

# TSD File Inventory Index

Date: July 2006

Initial: C. M. Mervin

<b>Facility Name:</b> <u>The Jones Hotel Products Company (Two Fisher Site)</u>			
<b>Facility Identification Number:</b> <u>CHD 004 250 897</u>			
<b>A.1 General Correspondence</b>	Y	<b>B.2 Permit Docket (B.1.2)</b>	
<b>A.2 Part A / Interim Status</b>		<b>.1 Correspondence</b>	
<b>.1 Correspondence</b>		<b>.2 All Other Permitting Documents (Not Part of the ARA)</b>	
<b>.2 Notification and Acknowledgment</b>		<b>C.1 Compliance - (Inspection Reports)</b>	Y
<b>.3 Part A Application and Amendments</b>		<b>C.2 Compliance/Enforcement</b>	Y
<b>.4 Financial Insurance (Sudden, Non Sudden)</b>		<b>.1 Land Disposal Restriction Notifications</b>	
<b>.5 Change Under Interim Status Requests</b>		<b>.2 Import/Export Notifications</b>	
<b>.6 Annual and Biennial Reports</b>		<b>C.3 FOIA Exemptions - Non-Releaseable Documents</b> <u>U.S.</u>	1
<b>A.3 Groundwater Monitoring</b>		<b>D.1 Corrective Action/Facility Assessment</b>	Y
<b>.1 Correspondence</b>		<b>.1 RFA Correspondence</b>	
<b>.2 Reports</b>		<b>.2 Background Reports, Supporting Docs and Studies</b>	
<b>A.4 Closure/Post Closure</b>		<b>.3 State Prelim. Investigation Memos</b>	
<b>.1 Correspondence</b>		<b>.4 RFA Reports</b>	Y
<b>.2 Closure/Post Closure Plans, Certificates, etc</b>		<b>D. 2 Corrective Action/Facility Investigation</b>	
<b>A.5 Ambient Air Monitoring</b>		<b>.1 RFI Correspondence</b>	
<b>.1 Correspondence</b>		<b>.2 RFI Workplan</b>	
<b>.2 Reports</b>		<b>.3 RFI Program Reports and Oversight</b>	
<b>B.1 Administrative Record</b>		<b>.4 RFI Draft /Final Report</b>	

Total - 2

.5 RFI QAPP		.6 CMI QAPP	
.6 RFI QAPP Correspondence		.7 Lab Data, Soil-Sampling/Groundwater	
.7 Lab Data, Soil-Sampling/Groundwater		.8 Progress Reports	
.8 RFI Progress Reports		D.5 Corrective Action/Enforcement	
.9 Interim Measures Correspondence		.1 Administrative Record 3008(h) Order	
.10 Interim Measures Workplan and Reports		.2 Other Non-AR Documents	
D.3 Corrective Action/Remediation Study		E. Boilers and Industrial Furnaces (BIF)	
.1 CMS Correspondence		.1 Correspondence	
.2 Interim Measures		.2 Reports	
.3 CMS Workplan		F.1 Imagery/Special Studies (Videos, Photos, Disks, Maps, Blueprints, Drawings, and Other Not Oversized Special Materials.)	
.4 CMS Draft/Final Report		G.1 Risk Assessment	
.5 Stabilization		.1 Human/Ecological Assessment ...	
.6 CMS Progress Reports		.2 Compliance and Enforcement ...	
.7 Lab Data, Soil-Sampling/Groundwater		.3 Enforcement Confidential	
D.4 Corrective Action Remediation Implementation		.4 Ecological - Administrative Record	
.1 CMI Correspondence		.5 Permitting	
.2 CMI Workplan		.6 Corrective Action/Remediation Study ...	
.3 CMI Program Reports and Oversight		.7 Corrective Action Remediation Implementation ...	
.4 CMI Draft/Final Reports		.8 Endangered Species Act	
.5 CMI QAPP		.9 Environmental Justice	

Note: Transmittal Letter to Be Included with Reports.

Comments: Documents do not justify individual folder schedule.  
C-3- Enforcement Confidential are in separate folder

**Public  
Participation**

# EPA Environmental NEWS RELEASE

United States  
Environmental  
Protection  
Agency  
Region V  
230 S. Dearborn St.  
Chicago, IL 60604



Technical Contact: Paul E. Dimock  
(312) 886-4436

Media Contact: Virginia Donohue  
(312) 886-6694

For Immediate Release: May 29, 1985

NO. 85-115

## EPA FILES ADMINISTRATIVE ACTION AGAINST JONES METAL PRODUCTS FOR HAZARDOUS WASTE VIOLATIONS

The U.S. Environmental Protection Agency (EPA) today announced the filing of civil administrative action against Jones Metal Products Co., West Lafayette, OH.

The complaint against Jones Metal Products, proposes a penalty of \$79,200 and charges that the company violated Federal regulations regarding the management of hazardous waste contained in the (RCRA).

The Company has failed to meet specific RCRA requirements relating to the monitoring of ground water, establishing of financial assurances for closure, developing contingency and closure plans, properly managing hazardous waste containers, conducting personnel training, and submitting a biennial report.

Jones Metal Products has the right to request that EPA hold a settlement conference and a hearing to discuss the charges. The company must make such a request by June 24, 1985.

# # #



TECHNICAL CONTACT: Paul E. Dimock  
(312) 886-4436

LEGAL CONTACT: Roger Grimes  
(312) 886-6668

FOR IMMEDIATE RELEASE:

NO. V-W-85-R-21

U.S. EPA FILES ADMINISTRATIVE SUIT AGAINST THE JONES METAL PRODUCTS COMPANY  
FOR HAZARDOUS WASTE VIOLATIONS

The U.S. Environmental Protection Agency (U.S. EPA) today announced the filing of a civil administrative action against JONES METAL PRODUCTS, West Lafayette, Ohio.

The Complaint against JONES METAL PRODUCTS, proposes a penalty of SEVENTY-NINE THOUSAND TWO HUNDRED DOLLARS (\$79,200) and charges that the facility located at 305 North Center Street, West Lafayette, Ohio, had violated Federal regulations regarding the management of hazardous waste contained in the Resource Conservation and Recovery Act (RCRA).

JONES METAL PRODUCTS COMPANY has failed to meet particular requirements of RCRA relating to the monitoring of groundwater, the establishment of financial assurances for closure, to have a contingency plan and closure plan, to properly manage containers, to perform personnel training and to submit a biennial report.

JONES METAL PRODUCTS has the right to request that U.S. EPA hold a settlement conference and a hearing to discuss the charges. The company must make such a request by June 24, 1985.

# # #

PLEASE ATTACH COPY OF ORDER.

**C.2 Compliance/  
Enforcement**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.

CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF:

DEC 24 1986

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

D.E. Donovan  
President  
Jones Metal Products Company  
305 North Center Street  
West Lafayette, Ohio 43845

re: Consent Agreement and Final Order  
Jones Metal Products Company  
Docket Number V-W-85-R-21

Dear Mr. Donovan:

This letter is to acknowledge receipt of the Consent Agreement and Final Order No. V-W-85-R-21 signed by yourself.

A fully executed copy of the Consent Agreement and Final Order is enclosed for your files.

Your cooperation in resolving this matter is appreciated.

Very truly yours,

A handwritten signature in cursive script, reading "William H. Miner".

William H. Miner, Chief  
Hazardous Waste Enforcement kBranch

Enclosure

1. Respondent has been served with a copy of the Complaint and Findings of Violation and Order (Docket No. V-W-85-R-21) in this matter.
2. The Regional Administrator has jurisdiction over this matter.
3. Respondent owns and operates a facility located at 305 North Center Street, West Lafayette, Ohio 43845.
4. Respondent neither admits nor denies the specific factual allegations contained in the Complaint filed herein.

5. Respondent explicitly waives its right to request a hearing regarding the allegations of the Complaint filed herein.
6. Respondent consents to the issuance of the Order hereinafter recited, and hereby consents to the payment of a civil penalty in the amount hereinafter stipulated.
7. By agreeing to this Consent Agreement and Final Order (CAFO) Respondent agrees with Complainant's determination that its waste does not fall within the definition of electroplating sludge (U.S. EPA Hazardous Waste Code No. F006). Therefore, its storage in containers and a surface impoundment is not subject to the requirements contained in 40 CFR Parts 262 and 265.

ORDER

Based on the foregoing stipulations, the parties agree to the entry of this Consent Agreement and Final Order in this matter:

- A. Respondent shall, upon the effective date of this Order, cease all treatment, storage or disposal of any hazardous waste unless such treatment, storage or disposal at Respondent's facility shall be in complete compliance with the Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities, 40 CFR Part 265.
- B. Respondent shall, upon the effective date of this Order, achieve and maintain compliance with the Standards Applicable to Generators of Hazardous Waste, 40 CFR Part 262.
- C. Respondent shall pay a civil penalty in the amount of SEVENTEEN THOUSAND DOLLARS (\$17,000), payable to the Treasurer of the United States within thirty (30) days of the effective date of this Consent Agreement and Final Order.

Said payment shall be mailed to the Regional Hearing Clerk, U.S. EPA, Region V, P.O. Box 70753, Chicago, Illinois 60673. Copies of the transmittal of the payment should also be sent to both the Regional Hearing Clerk, Planning and Management Division and the Solid Waste and Emergency Response Branch Secretary, Office of Regional Counsel, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604. Failure to comply with any requirement of the Order shall subject Respondent to liability for a civil penalty of up to TWENTY-FIVE THOUSAND DOLLARS (\$25,000) for each day of continued non-compliance with the terms and conditions in this Order.

D. The U.S. EPA may collect interest on any amounts overdue under the terms of this Consent Agreement and Final Order at the rate established by the Secretary of the Treasury pursuant to 31 U.S.C. §3717. A late payment handling charge of \$20.00 will be imposed on any late payment, with an additional charge of \$10.00 for each subsequent 30-day period over which an unpaid balance remains. In addition, a six percent per annum penalty will be applied on any principal amount not paid within ninety (90) days of the date on which each payment is due.

E. This Order shall be effective on the date of execution by the Regional Administrator.

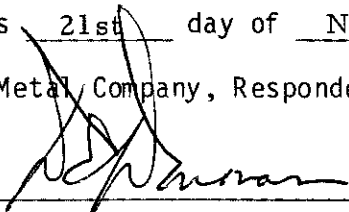
Notwithstanding any other provision of the Order, an enforcement action may be brought pursuant to Section 7003 of RCRA or other statutory authority should the U.S. EPA determine that the handling of solid waste or hazardous waste at the facility may present an imminent and substantial endangerment to human health or the environment. U.S. EPA recognizes that Jones Metal Products Company is not primarily in the business of treatment, storage or otherwise handling hazardous waste. Any such treatment, storage or handling is incidental to its primary manufacturing business.

The above Consent Agreement and Final Order consisting of 4 pages is hereby consented to by both of the parties to this proceeding.

Agreed this 21st day of November, 1986.

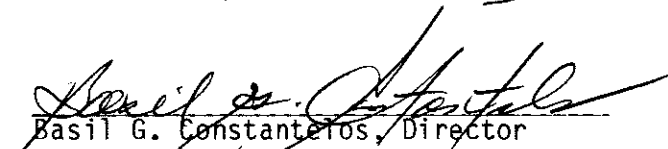
The Jones Metal Company, Respondent

By



Title President

Agreed this 12th day of December, 1986.



Basil G. Constantelos, Director  
Waste Management Division  
U.S. Environmental Protection Agency  
Region V, Complainant

The above being agreed and consented to, it is so ORDERED

this 15th day of December, 1986.

for Frank M. Covington, D.R.A.  
Valdas V. Adamkus  
Regional Administrator  
U.S. Environmental Protection Agency

DEC 12 1986

MEMORANDUM

SUBJECT: Consent Agreement & Final Order;  
Jones Metal Products Company

FROM: Robert E. Schaefer and Bill Constantelos, Director  
Regional Counsel Waste Management Division

TO: Valdas V. Adamkus  
Regional Administrator

We are enclosing for your review and signature a Consent Agreement and Final Order (CAFO) which can serve to resolve the pending administrative action against the Jones Metal Products Company. This CAFO provides that the Respondent will achieve and maintain compliance with the generator standards under the Resource Conservation and Recovery Act (RCRA). Moreover, it provides that the Respondent shall pay a civil penalty in the amount of \$17,000. We recommend that you sign this CAFO.

bcc: Paul Dimock (SHE-12)



# RCRA CONSENT AGREEMENT AND FINAL ORDER SIGN-OFF

## PART I BACKGROUND

Facility Name JONES METAL PRODUCTS

Facility RCRA ID Number DHD 004 280 897

Docket Number V-W-85-R-21

RES Assignee DIMOCK ORC Assignee GRIMES

Summary of Agreement \_\_\_\_\_

## PART II CONCURRENCES ON DRAFT CAFO

	Initials	Date	Agree	Disagree
RES Assignee	<u>P.P.D.</u>	<u>11/18/86</u>	<u>✓</u>	_____
Chief, RCRA Enf. Unit	<u>P.P.D. for J.B.</u>	<u>11/18/86</u>	<u>✓</u>	_____
Chief, RCRA Enf. Sect.	<u>WEM for WEM</u>	<u>11/18/86</u>	<u>✓</u>	_____
Asst. Regional Counsel	<u>KMLg</u>	<u>11/18/86</u>	_____	_____
Chief, S.W.E.R. Sect.	<u>B.W. Oster</u>	<u>11/18/86</u>	<u>✓</u>	_____

## PART III RETURN TO ORC ASSIGNEE FOR TRANSMITTAL OF DRAFT TO THE FACILITY

## PART IV FINAL CAFO APPROVAL

RES Assignee	<u>P.P.D.</u>	<u>12/2/86</u>	<u>✓</u>	_____
Chief, RCRA Enf. Unit	<u>JB</u>	<u>12/10/86</u>	<u>✓</u>	_____
Chief, RCRA Enf. Sect.	<u>WEM</u>	<u>12-11-86</u>	<u>✓</u>	_____
Chief, HWEB	<u>WEM</u>	<u>12/6/86</u>	<u>✓</u>	_____
Asst. Regional Counsel	<u>KMLg</u>	<u>12/2/86</u>	<u>X</u>	_____
Chief, S.W.E.R. Sect.	<u>R.H.</u>	<u>12/3/86</u>	<u>✓</u>	_____
Chief, S.W.E.R. Branch	<u>↓</u>	<u>↓</u>	_____	_____
Deputy, Regional Counsel	<u>↓</u>	<u>↓</u>	_____	_____
Regional Counsel	<u>M.H. for P.D.S.</u>	<u>12/5/86</u>	<u>✓</u>	_____
Director, WMD	<u>[Signature]</u>	<u>12/12/86</u>	<u>✓</u>	_____
Regional Administrator	<u>[Signature]</u>	<u>12/12/86</u>	_____	_____

## PART V RETURN TO D. REAPE, 5HE-12, FOR MAILING

# BAKER & HOSTETLER

COUNSELLORS AT LAW

3200 NATIONAL CITY CENTER

CLEVELAND, OHIO 44114

(216) 821-0200

TWX 810 421-8375

TELECOPIER: (216) 896-0740

November 8, 1985

IN WASHINGTON, D.C.  
1050 CONNECTICUT AVE., N.W.  
WASHINGTON, D.C. 20036  
(202) 861-1500

IN COLUMBUS, OHIO  
65 EAST STATE STREET  
COLUMBUS, OHIO 43215  
(614) 228-1541

IN ORLANDO, FLORIDA  
13TH FLOOR BARNETT PLAZA  
ORLANDO, FLORIDA 32801  
(305) 841-1111

IN DENVER, COLORADO  
303 EAST 17TH AVENUE  
DENVER, COLORADO 80203  
(303) 861-0600

DIRECT DIAL NUMBER

(216) 861-7356

United States Environmental  
Protection Agency  
Waste Management Division  
230 South Dearborn Street  
Chicago, IL 60604

ATTENTION: RCRA Enforcement Section, 5HE-12

Re: The Jones Metal Products Company  
I.D. No. OHD004280897

Dear Sir:

This is the response of the Jones Metal Products Company to the Agency's Request for Information Pursuant to Section 3007 of RCRA.

Jones has no RCRA land disposal facility, and no interim status. Jones generates no hazardous waste, based on the EP Toxicity test for characteristic waste. Jones is awaiting a determination by USEPA as to whether Jones' neutralized spent pickle liquor is K062 listed waste. Jones' comments on this Agency rulemaking are attached and self-explanatory.

Please direct all questions or comments concerning this response to the undersigned.

Sincerely,



James H. Russell

0488:2508  
05879-60-001

cc: Edmund S. Bell, Jr.  
James Edwards  
Edward F. Mulligan

# BAKER & HOSTETLER

COUNSELLORS AT LAW

IN WASHINGTON, D.C.  
1050 CONNECTICUT AVE., N.W.  
WASHINGTON, D.C. 20036  
(202) 861-1500

IN COLUMBUS, OHIO  
65 EAST STATE STREET  
COLUMBUS, OHIO 43215  
(614) 228-1541

3200 NATIONAL CITY CENTER  
CLEVELAND, OHIO 44114

(216) 621-0200  
TWX 810 421-8375  
TELECOPIER: (216) 686-0740

November 8, 1985

IN ORLANDO, FLORIDA  
13TH FLOOR BARNETT PLAZA  
ORLANDO, FLORIDA 32801  
(305) 841-1111

IN DENVER, COLORADO  
303 EAST 17TH AVENUE  
DENVER, COLORADO 80203  
(303) 861-0600

DIRECT DIAL NUMBER

(216) 861-7356

Docket Clerk  
Office of Solid Waste (WH-562)  
United States Environmental  
Protection Agency  
401 M Street, S.W.  
Washington, D.C. 20460

Re: Section 3001--Spent Pickle Liquor Notice

Dear Sir:

The Jones Metal Products Company ("Jones") wishes to comment on the Agency's Notice of Proposed Rulemaking and Request for Comments and Data appearing in the Federal Register of September 10, 1985, 50 FR 36966.

Jones is a porcelain enameller located in West LaFayette, Ohio 43845 (614/545-6381), I.D. No. OHD004280897. Jones has been a porcelain enameller at this location since 1923. It employs approximately 200 people.

In August, 1980, Jones carefully considered whether to file a Part A Application, under the May 19, 1980 RCRA Regulations. Jones decided not to do so for the following reasons:

1. The neutralized spent pickle liquor that Jones uses contains no chromium nor lead. Jones' EP Toxicity tests at that time showed that the neutralized spent pickle liquor was not characteristic waste. Jones therefore concluded that the Agency's reason for listing K062--its lead and chromium content--was not intended to apply to Jones' neutralized spent pickle liquor.
2. Jones engaged in no activity described or contemplated by SIC Code 3312.

BAKER & HOSTETLER

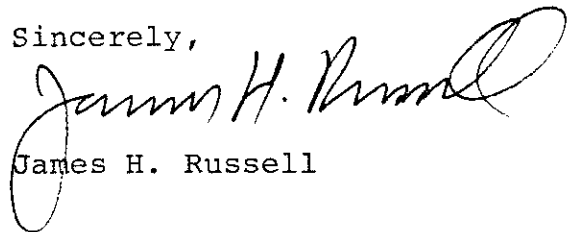
Docket Clerk  
November 8, 1985  
Page Two

Jones therefore decided in August, 1980, as it would decide today, that the K062 listing was not waste that the Agency intended to regulate as applied to Jones. Jones strongly denies that "industry generally understood the listing to apply to non-iron and steel facilities," as the Agency contends at Page 36968 of the NPRM. Jones certainly never understood the listing in that way. And if that understanding were generally true, the Skinner memorandum would have been unnecessary.

In 1984, Jones considered, with other members of the Porcelain Enamel Institute, whether the Skinner memorandum should cause Jones and porcelain enamellers to change the conclusion that K062 did not apply to waste such as Jones' neutralized spent pickle liquor. Jones found the Skinner memorandum to be confusing, but after careful consideration the company reaffirmed its prior conclusion of 1980, based on the facts contained in above paragraphs number 1 and 2.

Please direct all questions concerning these comments to the undersigned.

Sincerely,



James H. Russell

0488:2508  
05879-60-001

cc: Edmund S. Bell, Jr.  
James Edwards  
Edward F. Mulligan

05 NOV 1986

Mr. Edmund S. Bell, Jr.  
Vice President - Engineering  
The Jones Metal Products Company  
West Lafayette, Ohio 43845

RE: Administrative Complaint  
Docket No. V-W-85-R-21

Dear Mr. Bell:

As we discussed on October 15, 1986, I have redrafted the Consent Agreement & Final Order (CAFO) in accordance with your comments. Moreover, I have discussed the proposed civil penalty in this matter with my technical counterpart assigned to this case, Paul Dimock. In accordance with the Agency's Civil Penalty Policy, we would be willing to recommend to our supervisors that the proposed civil penalty be mitigated by 20%. Our calculation indicates that a penalty reduction of 20% leaves a civil penalty of \$17,000. As a result, I have inserted that amount in this draft CAFO. If Jones Metal is agreeable to this settlement, please notify me at (312) 886-6595. I can then forward to you two clean original CAFOs for signature by the Company.

Very truly yours,

Roger Grimes  
Assistant Regional Counsel

bcc: Ullrich  
Elam  
Field  
Paul Dimock (5HE-12)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION V

IN THE MATTER OF:

THE JONES METAL PRODUCTS COMPANY  
305 NORTH CENTER STREET  
WEST LAFAYETTE, OHIO 43845

EPA I.D. No.: OHD 004 280 897

DOCKET No.: V-W-85-R-21

CONSENT AGREEMENT AND  
FINAL ORDER

On May 21, 1985, a Complaint was filed in this matter pursuant to Section 3008 of the Resource Conservation and Recovery Act, as amended, (RCRA), 42 U.S.C. §6928, and the United States Environmental Protection Agency's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 CFR Part 22. The Complainant is the Director of the Waste Management Division, Region V, United States Environmental Protection Agency (U.S. EPA). The Respondent is the Jones Metal Products Company.

The Parties to this action being desirous to settle this action enter into the following stipulations:

1. Respondent has been served with a copy of the Complaint and Findings of Violation and Order (Docket No. V-W-85-R-21) in this matter.
2. The Regional Administrator has jurisdiction over this matter.
3. Respondent owns and operates a facility located at 305 North Center Street, West Lafayette, Ohio 43845.
4. Respondent neither admits nor denies the specific factual allegations contained in the Complaint filed herein.

5. Respondent explicitly waives its right to request a hearing regarding the allegations of the Complaint filed herein.
6. Respondent consents to the issuance of the Order hereinafter recited, and hereby consents to the payment of a civil penalty in the amount hereinafter stipulated.
7. By agreeing to this Consent Agreement and Final Order (CAFO) Respondent agrees with Complainant's determination that its waste does not fall within the definition of electroplating sludge (U.S. EPA Hazardous Waste Code No. F006). Therefore, its storage in containers and a surface impoundment is not subject to the requirements contained in 40 CFR Parts 262 and 265.

#### ORDER

Based on the foregoing stipulations, the parties agree to the entry of this Consent Agreement and Final Order in this matter:

- A. Respondent shall, upon the effective date of this Order, cease all treatment, storage or disposal of any hazardous waste unless such treatment, storage or disposal at Respondent's facility shall be in complete compliance with the Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities, 40 CFR Part 265.
- B. Respondent shall, upon the effective date of this Order, achieve and maintain compliance with the Standards Applicable to Generators of Hazardous Waste, 40 CFR Part 262.
- C. Respondent shall pay a civil penalty in the amount of SEVENTEEN THOUSAND DOLLARS (\$17,000), payable to the Treasurer of the United States within thirty (30) days of the effective date of this Consent Agreement and Final Order.



Said payment shall be mailed to the Regional Hearing Clerk, U.S. EPA, Region V, P.O. Box 70753, Chicago, Illinois 60673. Copies of the transmittal of the payment should also be sent to both the Regional Hearing Clerk, Planning and Management Division and the Solid Waste and Emergency Response Branch Secretary, Office of Regional Counsel, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604. Failure to comply with any requirement of the Order shall subject Respondent to liability for a civil penalty of up TWENTY-FIVE THOUSAND DOLLARS (\$25,000) for each day of continued non-compliance with the terms and conditions in this Order.

D. The U.S. EPA may collect interest on any amounts overdue under the terms of this Consent Agreement and Final Order at the rate established by the Secretary of the Treasury pursuant to 31 U.S.C. §3717. A late payment handling charge of \$20.00 will be imposed on any late payment, with an additional charge of \$10.00 for each subsequent 30-day period over which an unpaid balance remains. In addition, a six percent per annum penalty will be applied on any principal amount not paid within ninety (90) days of the date on which each payment is due.

E. This Order shall be effective on the date of execution by the Regional Administrator.

Notwithstanding any other provision of the Order, an enforcement action may be brought pursuant to Section 7003 of RCRA or other statutory authority should the U.S. EPA determine that the handling of solid waste or hazardous waste at the facility may present an imminent and substantial endangerment to human health or the environment. U.S. EPA recognizes that Jones Metal Products Company is not primarily in the business of treatment, storage or otherwise handling hazardous waste. Any such treatment, storage or handling is incidental to its primary manufacturing business.



The above Consent Agreement and Final Order consisting of 4 pages is hereby consented to by both of the parties to this proceeding.

Agreed this \_\_\_\_\_ day of \_\_\_\_\_, 1986.

The Jones Metal Company, Respondent

By \_\_\_\_\_

Title \_\_\_\_\_

Agreed this \_\_\_\_\_ day of \_\_\_\_\_, 1986.

\_\_\_\_\_  
Basil G. Constantelos, Director  
Waste Management Division  
U.S. Environmental Protection Agency  
Region V, Complainant

The above being agreed and consented to, it is so ORDERED

this \_\_\_\_\_ day of \_\_\_\_\_, 1986.

\_\_\_\_\_  
Valdas V. Adamkus  
Regional Administrator  
U.S. Environmental Protection Agency

RCRA CONSISTENT AGREEMENT AND FINAL ORDER SIGN OFF

PART I BACKGROUND

Facility Name THE JONES METAL PRODUCTS COMPANY

Facility RCRA ID Number OHD 004 280 897

Docket Number V-W-85-R-21

RES Assignee DIMOCK ORC Assignee GRIMES

Summary of Agreement FOUG RELATED VIOLATIONS HAVE BEEN DROPPED; UNPERMITTED THERMAL TREATMENT REMAINS; FACILITY WILL BE A GENERATOR ONLY; AND FACILITY WILL PAY A PENALTY OF ~~80~~ \$17,000 FOR PAST VIOLATIONS (80% OF RECALCULATED PENALTY)

PART II CONCURRENCES ON DRAFT CAFO

	Initials	Date	Agree	Disagree
RES Assignee	<u>P.E.D</u>	<u>10/20/86</u>	<u>✓</u>	<u>      </u>
Chief, RCRA Enf. Unit	<u>JP</u>	<u>10/21/86</u>	<u>✓</u>	<u>      </u>
Chief, RCRA Enf. Sect.	<u>WEM</u>	<u>10/30/86</u>	<u>✓</u>	<u>      </u>
Asst. Regional Counsel	<u>RMG</u>	<u>10/30/86</u>	<u>X</u>	<u>      </u>
Chief, S.W.E.R. Sect.	<u>RTA</u>	<u><del>10/31/86</del> 11/3/86</u>	<u>✓</u>	<u>      </u>

Correction

PART III RETURN TO ORC ASSIGNEE FOR TRANSMITTAL OF DRAFT TO THE FACILITY

PART IV FINAL CAFO APPROVAL

RES Assignee	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
Chief, RCRA Enf. Unit	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
Chief, RCRA Enf. Sect.	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
Chief, HWEB	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
Asst. Regional Counsel	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
Chief, S.W.E.R. Sect.	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
Chief, S.W.E.R. Branch	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
Deputy, Regional Counsel	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
Regional Counsel	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
Director, WMD	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
Regional Administrator	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>

PART V RETURN TO D. REAPE, 5HE-12, FOR MAILING

0 3 OCT 1986

Mr. Edmund S. Bell, Jr.  
Vice President-Engineering  
The Jones Metal Products Co.  
West Lafayette, Ohio 43845

RE: Administrative Complaint  
Docket No. V-W-85-R-21

Dear Mr. Bell:

The most recent contact I have had regarding the above cited matter was on August 7, 1986 when I provided to Jim Russell a copy of a draft Consent Agreement & Final Order(CAFO). At that time, Mr. Russell indicated that he believed we could "do business" based on the content of that draft CAFO. This was particularly true because the draft CAFO does not require the off-site removal of the materials from the Jones' lagoons, and the originally proposed civil penalty has been significantly reduced. I have since learned that Mr. Russell has changed positions and is no longer with Baker & Hostetler. At his suggestion, I am contacting you in an attempt to rekindle our settlement negotiations of this matter. Toward that end, I am enclosing for your review a copy of the draft CAFO. As you can see from this CAFO, the settlement of this matter will exclude any consideration of the waste code no. F006. It is based solely on the thermal treatment that was alleged in the original complaint. The cause for this change, of course, is the precedent established by the final decision of the Administrator in the U.S. Nameplate case.

When you have had an opportunity to review this draft CAFO, please contact me to discuss where we should go from here. You can reach me at (312)886-6595.

Very truly yours,

Roger Grimes  
Assistant Regional Counsel

Enclosure

bcc: Paul Dimock (5HE-12)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION V

IN THE MATTER OF:

THE JONES METAL PRODUCTS COMPANY  
305 NORTH CENTER STREET  
WEST LAFAYETTE, OHIO 43845

EPA I.D. No.: OHD 004 280 897

DOCKET No.: V-W-85-R-21

CONSENT AGREEMENT AND  
FINAL ORDER

On May 21, 1985, a Complaint was filed in this matter pursuant to Section 3008 of the Resource Conservation and Recovery Act, as amended, (RCRA), 42 U.S.C. §6928, and the United States Environmental Protection Agency's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 CFR Part 22. The Complainant is the Director of the Waste Management Division, Region V, United States Environmental Protection Agency (U.S. EPA). The Respondent is the Jones Metal Products Company.

The Parties to this action being desirous to settle this action enter into the following stipulations:

1. Respondent has been served with a copy of the Complaint and Findings of Violation and Order (Docket No. V-W-85-R-21) in this matter.
2. The Regional Administrator has jurisdiction over this matter.
3. Respondent owns and operates a facility located at 305 North Center Street, West Lafayette, Ohio 43845.
4. Respondent neither admits nor denies the specific factual allegations contained in the Complaint filed herein.

5. Respondent explicitly waives its right to request a hearing regarding the allegations of the Complaint filed herein.
6. Respondent consents to the issuance of the Order hereinafter recited, and hereby consents to the payment of a civil penalty in the amount hereinafter stipulated.
7. By agreeing to this Consent Agreement and Final Order (CAFO) Respondent agrees with Complainant's determination that its electroplating waste does not currently fall within the definition of electroplating sludge (U.S. EPA Hazardous Waste Code No. F006). Therefore, its storage in containers and a surface impoundment is not subject to the requirements contained in 40 CFR Parts 262 and 265.

ORDER

Based on the foregoing stipulations, the parties agree to the entry of this Consent Agreement and Final Order in this matter:

- A. Respondent shall immediately upon this Order becoming final, cease all treatment, storage or disposal of any hazardous waste unless such treatment, storage or disposal at Respondent's facility shall be in complete compliance with the Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities, 40 CFR Part 265.
- B. Respondent shall, immediately upon this Order becoming final achieve and maintain compliance with the Standards Applicable to Generators of Hazardous Waste, 40 CFR Part 262.
- C. Respondent shall pay a civil penalty in the amount of TWENTY-ONE THOUSAND TWO HUNDRED FIFTY DOLLARS (\$21,250), payable to the Treasurer of the United States within thirty (30) days of the effective date of this Consent Agreement

and Final Order. Said payment shall be mailed to the Regional Hearing Clerk, U.S. EPA, Region V, P.O. Box 70753, Chicago, Illinois 60673. Copies of the transmittal of the payment should also be sent to both the Regional Hearing Clerk, Management Division and the Solid Waste and Emergency Response Branch Secretary, Office of Regional Counsel, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604. Failure to comply with any requirement of the Order shall subject Respondent to liability for a civil penalty of up TWENTY-FIVE THOUSAND DOLLARS (\$25,000) for each day of continued non-compliance with the terms and conditions in this Order.

D. The U.S. EPA may collect interest on any amounts overdue under the terms of this Consent Agreement and Final Order at the rate established by the Secretary of the Treasury pursuant to 31 U.S.C. §3717. A late payment handling charge of \$20.00 will be imposed on any late payment, with an additional charge of \$10.00 for each subsequent 30-day period over which an unpaid balance remains. In addition, a six percent per annum penalty will be applied on any principal amount not paid within ninety (90) days of the date on which each payment is due.

Notwithstanding any other provision of the Order, an enforcement action may be brought pursuant to Section 7003 of RCRA or other statutory authority should the U.S. EPA determine that the handling of solid waste or hazardous waste at the facility presents an imminent and substantial endangerment to human health or the environment.

The above Consent Agreement and Final Order consisting of 4 pages is hereby consented to by both of the parties to this proceeding.

Agreed this \_\_\_\_\_ day of \_\_\_\_\_, 1986.

The Jones Metal Company, Respondent

By \_\_\_\_\_

Title \_\_\_\_\_

Agreed this \_\_\_\_\_ day of \_\_\_\_\_, 1986.

\_\_\_\_\_  
Basil G. Constantelos, Director  
Waste Management Division  
U.S. Environmental Protection Agency  
Region V, Complainant

The above being agreed and consented to, it is so ORDERED

this \_\_\_\_\_ day of \_\_\_\_\_, 1986.

\_\_\_\_\_  
Valdas V. Adamkus  
Regional Administrator  
U.S. Environmental Protection Agency

8 AUG 1986

Jim Russell  
Baker & Hostettler  
3200 National City Center  
Cleveland, OH 44114

RE: Jones Metal Products Company

Dear Jim:

As we discussed on August 7, 1986, I am enclosing for your review a draft Consent Agreement & Final Order. This CAFO has been drafted in the wake of the Final Decision in U.S. Nameplate. In that connection, it addressess all of the non-F006 allegations raised in the U.S. EPA's original complaint. As you can see, the basis for a continued regulatory interest in Jones is the thermal treatment about which allegations were made in the original complaint.

When you had an opportunity to review this, please contact me or Paul Dimock with any questions. Needless to say, we are interested in resolving the remaining elements of this matter as soon as we reasonably can.

Very truly yours,

Roger Grimes  
Assistant Regional Counsel

Enclosure

bcc: Paul Dimock (5HE-12)  
Waste Management Division





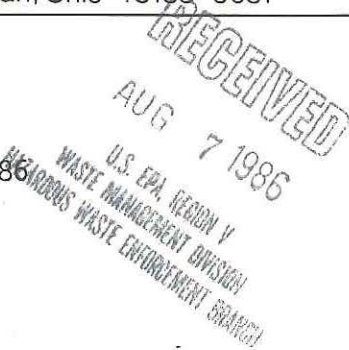
State Of Ohio Environmental Protection Agency

Southeast District Office  
2195 Front Street; Logan, Ohio 43138-9031  
(614) 385-8501



Richard F. Celeste, Governor

August 4, 1986



Re: COSHOCTON COUNTY  
JONES METAL PRODUCTS  
RCRA CORRESPONDENCE FILE

Jones Metal Products Company  
305 North Center Street  
West Lafayette, Ohio 43845

Attention: Mr. Edmond S. Bell,  
Vice President, Engineering

Sir:

This letter serves to confirm a meeting at 1:00, August 12, 1986, in Ohio EPA's Columbus Office, Room 602A. The meeting, between Jones Metal and its representatives and Ohio EPA staff, will focus on requirements for a new wastewater treatment system with discharge to the Tuscarawas River and closure of the existing leaching impoundments.

Please contact me if any change in the meeting is needed.

*Ken Dewey*

Ken Dewey  
Division of Solid & Hazardous Waste Management  
Southeast District Office.

KD:dm

cc: Dave Sholtis, DSHWM, CO  
cc: Joan DeMartin, Legal, CO  
cc: Bob Phelps, Industrial Wastewater, CO  
cc: Bill Miller/Ryszard Lecznar, Industrial Wastewater, SEDO  
cc: James D. Edwards, Burgess & Niple, Ltd.  
cc: James H. Russell, Baker & Hosteller  
cc: Paul Dimock, USEPA, Region V

18 APR 1986

James H. Russell  
Baker & Hostetler  
3200 National City Center  
Cleveland, Ohio 44114

RE: Jones Metal Products Company

Dear Jim:

At the conclusion of our meeting on April 4, 1986, it was my understanding that the Region was to draft and send to you a Consent Agreement and Final Order (CAFO). You will find attached an original and a copy of a CAFO that was drafted to conform to the March 20, 1986 letter to you from Jim Edwards. Our approach in drafting this CAFO was to reference the RCRA requirements for the various elements of the Order. As Paul Dimock indicated to you at our meeting in Chicago, your concept for settlement as outlined in the March 20, 1986 letter appears to be adequate to settle this matter. As you understand, final approval of the various plans can only be given after our review of Jones' finalized plans and schedules. Accordingly, the Order portion of the attached draft CAFO merely references the RCRA requirements for the various elements. Once you have had an opportunity to review this CAFO, please contact me to discuss any questions or comments you may have.

Very truly yours,

Roger Grimes  
Assistant Regional Counsel

Attachment

bcc: Paul Dimock (WMD)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION V

IN THE MATTER OF:

THE JONES METAL PRODUCTS COMPANY  
305 NORTH CENTER STREET  
WEST LAFAYETTE, OHIO 43845

EPA I.D. No.: OHD 004 280 897

)  
) DOCKET No.: V-W-85-R-21

)  
) CONSENT AGREEMENT AND  
) FINAL ORDER  
)

On May 21, 1985, a Complaint was filed in this matter pursuant to Section 3008 of the Resource Conservation and Recovery Act, as amended, (RCRA), 42 U.S.C. §6928, and the United States Environmental Protection Agency's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 CFR Part 22. The Complainant is the Director of the Waste Management Division, Region V, United States Environmental Protection Agency (U.S. EPA). The Respondent is the Jones Metal Products Company.

The Parties to this action being desirous to settle this action enter into the following stipulations:

1. Respondent has been served with a copy of the Complaint and Findings of Violation and Order (Docket No. V-W-85-R-21) in this matter.
2. The Regional Administrator has jurisdiction over this matter.
3. Respondent owns and operates a facility located at 305 North Center Street, West Lafayette, Ohio 43845.
4. Respondent neither admits nor denies the specific factual allegations contained in the Complaint filed herein.

5. Respondent explicitly waives its right to request a hearing regarding the allegations of the Complaint filed herein.
6. Respondent consents to the issuance of the Order hereinafter recited, and hereby consents to the payment of a civil penalty in the amount hereinafter stipulated.
7. By agreeing to this Consent Agreement and Final Order (CAFO) Respondent specifically does not agree or admit that the facility referenced in Paragraph 3 above falls within the jurisdiction of the Resource and Recovery Act. Entry of this CAFO is solely for the purpose of resolving the allegations made in the government's Complaint.

#### ORDER

Based on the foregoing stipulations, the parties agree to the entry of this Consent Agreement and Final Order in this matter:

- A. Respondent shall immediately upon entry of this Consent Agreement and Final Order and its receipt by Respondent, cease all treatment, storage or disposal of any hazardous waste unless such treatment, storage or disposal at Respondent's facility shall be in complete compliance with the Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities, 40 CFR Part 265, except as provided for in Paragraphs B through D below.
- B. Respondent shall, within forty-five (45) days of entry of this Consent Agreement and Final Order, and its receipt by Respondent, achieve compliance with the following requirements:
  1. Develop and submit a groundwater monitoring program for the surface impoundments pursuant to 40 CFR 265.90; a schedule for the installation and operation of a groundwater monitoring system that meets with the

requirements of 40 CFR 265.91; a schedule for the development and implementation of an adequate groundwater sampling and analysis plan pursuant to 40 CFR 265.92; the submittal of an outline of a groundwater quality assessment program pursuant to 40 CFR 265.93; and a schedule for complying with the recordkeeping and reporting requirements of 40 CFR 265.94. Upon approval of the groundwater monitoring program by U.S. EPA, Respondent shall immediately initiate and complete the activities in the program in accordance with the schedule contained therein.

2. Prepare and submit a closure plan for the surface impoundments which meets pertinent requirements for such a plan contained in 40 CFR 265.110, 265.111, 265.113, 265.114, 265.115, 265.117, 265.118, 265.119 and 265.120. U.S. EPA will approve the closure plan or specify in writing the modifications necessary for approval within 90 days of receipt of the closure plan. Respondent must modify its closure plan within 30 days of receipt of U.S. EPA's specifications of necessary modifications if any. Approval of Respondent's initial or modified closure plan shall not be unreasonably withheld. Respondent shall perform all closure activities detailed in the closure plan submitted by it and finally approved in accordance with the schedule contained therein.
3. Establish financial assurance for closure plan as required by 40 CFR 265.143.
4. Establish a financial assurance for post-closure as required by 40 CFR 265.145.

C. On or before August 31, 1987, Respondent shall certify in writing to U.S. EPA that the facility has been closed in accordance with the specifications in the approved closure plan. Respondent shall also submit, or cause to have submitted to U.S. EPA, written certification of the same from the independent registered professional engineer that observed the closure activities.

D. Respondent shall no later than 180 days after notification submit a completed post-closure permit application for the disposal of hazardous waste in the surface impoundments.

E. Respondent shall notify U.S. EPA in writing within fifteen (15) business days after completion of each requirement identified in Respondent's ground-water monitoring program and closure plan. This notification shall be submitted no later than the times stipulated above to Mr. Paul Dimock, U.S. EPA, Region V, Waste Management Division, 230 South Dearborn Street, Chicago, Illinois 60604, Attention: RCRA Enforcement Section. A copy of these documents shall also be submitted to Ed Kitchen, Division of Solid and Hazardous Waste Management, Ohio Environmental Protection Agency, 361 East Broad Street, Columbus, Ohio 43216.

F. Respondent shall pay a civil penalty in the amount of SEVENTY-NINE THOUSAND TWO HUNDRED DOLLARS (\$79,200), payable to the Treasurer of the United States within thirty (30) days of the effective date of this Consent Agreement and Final Order. Said payment shall be mailed to the Regional Hearing Clerk, U.S. EPA, Region V, P.O. Box 70753, Chicago, Illinois 60673. Copies of the transmittal of the payment should also be sent to both the Regional Hearing Clerk, Management Division and the Solid Waste and Emergency Response Branch Secretary, Office of Regional Counsel, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604. Failure to comply with any requirement of the Order

shall subject Respondent to liability for a civil penalty of up TWENTY-FIVE THOUSAND DOLLARS (\$25,000) for each day of continued non-compliance with the terms and conditions in this Order.

G. The U.S. EPA may collect interest on any amounts overdue under the terms of this Consent Agreement and Final Order at the rate established by the Secretary of the Treasury pursuant to 31 U.S.C. §3717. A late payment handling charge of \$20.00 will be imposed on any late payment, with an additional charge of \$10.00 for each subsequent 30-day period over which an unpaid balance remains. In addition, a six percent per annum penalty will be applied on any principal amount not paid within ninety (90) days of the date on which each payment is due.

Notwithstanding any other provision of the Order, an enforcement action may be brought pursuant to Section 7003 of RCRA or other statutory authority should the U.S. EPA determine that the handling of solid waste or hazardous waste at the facility presents an imminent and substantial endangerment to human health or the environment.

The above Consent Agreement and Final Order consisting of 6 pages is hereby consented to by both of the parties to this proceeding.

Agreed this \_\_\_\_\_ day of \_\_\_\_\_, 1985.

The Jones Metal Company, Respondent

By \_\_\_\_\_

Agreed this \_\_\_\_\_ day of \_\_\_\_\_, 1985.

\_\_\_\_\_  
Basil G. Constantelos, Director  
Waste Management Division  
U.S. Environmental Protection Agency  
Region V, Complainant

The above being agreed and consented to, it is so ORDERED  
this \_\_\_\_\_ day of \_\_\_\_\_, 1985.

\_\_\_\_\_  
Valdas V. Adamkus  
Regional Administrator  
U.S. Environmental Protection Agency





State Of Ohio Environmental Protection Agency

Southeast District Office  
2195 Front Street; Logan, Ohio 43138-9031

(614) 385-8501



Richard F. Celeste, Governor

April 18, 1986

Re: COSHOCTON COUNTY  
JONES METAL PRODUCTS  
RCRA CORRESPONDENCE FILE  
OHD004280897  
G - TSDF

Jones Metal Products Company  
305 North Center Street  
West Lafayette, Ohio 43845

Attention: Mr. Edmund S. Bell, Jr.,  
Vice President, Engineering

Sir:

On March 26, 1986, I conducted an inspection of your facility to determine compliance with Ohio's hazardous waste regulations. During the inspection I noted the following violations:

1. Personnel Training, Ohio Administrative Code 3745-65-16:  
A personnel training program has not been developed and required documentation has not been maintained as required.
2. Accumulation Time of Hazardous Waste, Ohio Administrative Code 3745-52-34: Containers holding F006 hazardous waste was not marked and dated as required.
3. General Waste Analysis, Ohio Administrative Code 3745-65-13:  
A written waste analysis plan has not been developed and detailed chemical and physical analysis of the hazardous waste has not been conducted as required.
4. Security, Ohio Administrative Code 3745-65-14: "Danger" signs are not posted at the facility as required.
5. General Inspection Requirements, Ohio Administrative Code 3745-65-15: A written inspection schedule has not been developed and followed and records of inspections have not been maintained as required.

6. Purpose and Implementation of Contingency Plan, Ohio Administrative Code 3745-65-51: The facility does not have a Contingency Plan as required.
7. Operating Record, Ohio Administrative Code 3745-65-73: A written Operating Record has not been maintained as required.
8. Annual Report, Ohio Administrative Code 3745-65-75: An Annual Report has not been submitted to the Director by March 1 as required.
9. Closure Plan, Ohio Administrative Code 3745-66-12: A written Closure Plan has not been maintained as required.
10. Cost Estimate for Closure, Ohio Administrative Code 3745-66-42: A written estimate of the cost of closing the facility has not been maintained as required.
11. Financial Assurance for Closure, Ohio Administrative Code 3745-66-43: Financial Assurance for closure has not been established as required.
12. Liability Requirements, Ohio Administrative Code 3745-66-47: Liability coverage for sudden and non-sudden accidental occurrences is not maintained as required.
13. Management of Containers, Ohio Administrative Code 3745-66-73: Container holding hazardous waste is not kept closed during storage as required.
14. Inspections, Ohio Administrative Code 3745-66-74: Container storage area is not inspected weekly and inspections are not documented as required.
15. Inspections, Ohio Administrative Code 3745-67-26: The surface impoundment and freeboard level are not inspected and inspections are not documented as required.
16. Groundwater Monitoring, Ohio Administrative Code 3745-65-90 through 94: A groundwater monitoring program has not been implemented as required, and a groundwater quality assessment program has not been developed as required.
17. Submittal of Hazardous Waste Permit Application, Ohio Administrative Code 3745-50-40: A "Part A" Permit Application has not been filed in accordance with the specifications in Ohio Administrative Code 3745-50-41 through 43 as required.

Jones Metal Products Company  
April 18, 1986  
Page 3

I understand that you are currently negotiating with USEPA regarding closure of the hazardous waste surface impoundment at your facility. As we discussed, Ohio EPA does not consider closure of the impoundment without removal of the waste, to be an environmentally sound option. We feel that there is a great potential for the proposed groundwater monitoring system to show contamination of groundwater. If this occurs, as we believe it will, the release will certainly cause USEPA (and/or Ohio EPA) to require you to perform corrective action. We feel that removal of the waste will certainly be considered as part of that action. We see no benefit in delaying removal of the waste. In fact, it will certainly be far less expensive to remove the waste during closure. To address your concern about long term liability for disposal of the waste off-site, we strongly recommend you pursue delisting of the waste. To summarize, we do not feel that it is acceptable to dispose any waste, be it solid or hazardous waste, in a sand and gravel leach pit. We would welcome an opportunity to discuss these issues with you in more detail.

Feel free to call Marilyn Zumbro or me at this office with any questions.

*Ken Dewey*

Ken Dewey  
Division of Solid & Hazardous Waste Management  
Southeast District Office

KD:dm

cc: Ed Kitchen, DSHWM, CO/w/attachment

Paul,

Jim Russell, Jim Edwards and Ed Bell want to come in on Friday, 4-4-86 in the early afternoon for a last ditch effort to settle Jones Metal. Are you ~~xxx~~ available?

The other possible option is to meet with them in Cleveland ~~xxxxxxx~~ on Monday the following week. I have to be there on Tuesday anyway and could go on Monday afternoon if that is workable for you ~~xxx~~ as well. I left it with them that we would try first for the Friday meeting rather than the alternative.

Grimes

64247

ZMla

8-31-86

3/26/86 1330 hrs.  
Date and Time of Inspection

RCRA INTERIM STATUS INSPECTION FORM

HWFAB # None

GENERAL INFORMATION

U.S. EPA I.D. # OHD004280897

Facility: Jones Metal Products Co. Address: 305 North Center Street City: West Lafayette

State: Ohio Zip Code: 43845 County: Coshocton Telephone: 614-545-6381

INSPECTION PARTICIPANT(S)

	(Name)	(Title)	(Telephone)
1.	Edmund S. Bell, Jr.	Vice President Engineering	614-545-6381
2.			
3.			

INSPECTOR(S)

1.	Ken Dewey	Senior Inspector, DSHWM, Ohio EPA	614-385-8501
2.			
3.			

INSTALLATION ACTIVITY

Mark One

If the site is a TSDF, check the boxes indicating which areas were reviewed.

☐ Generator only (G)

☒ General Facility Standards, Preparedness  
and Prevention, Contingency and Emergency  
Manifests/Records/Reporting, Closure

☐ Waste Piles S03

☐ Transporter (T)

☐ Land Treatment D81

☐ TSDF only

☐ Containers S01

☐ Landfills D80

☐ G-T

☐ Tanks S02/T01

☐ Chemical/Physical/  
Biological T04

☒ G-TSDF

☒ Surface Impoundments S04/T02

☒ Groundwater Monitoring

☐ T-TSDF

☐ Incineration/Thermal Treatment

☐ Post-Closure

☐ G-T-TSDF

RCRA INTERIM STATUS INSPECTION FORM

	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>Remark #</u>
1. Has the facility submitted a Part A to Ohio?	—	<u>X</u>	—	—
2. If "yes", is it complete and accurate?	—	—	<u>X</u>	—
3. Has the facility submitted a Part B?	—	<u>X</u>	—	—
4. Was advance notice of the inspection given? If so, how far in advance?	<u>X</u>	—	—	<u>6 Hours</u>

IF THE SITE HAS RECEIVED A PART B PERMIT, USE THE RCRA STATUS INSPECTION FORM.

REMARKS, GENERAL INFORMATION

Include a brief description of site activity and waste handling.

Jones Metal Products is a contract manufacturer of stamped and porcelain enameled steel products. Prior to September, 1985, the company conducted both stamping and porcelain enameling at its West Lafayette plant. In the stamping operation, parts are alkaline cleaned. Rinse water from this operation is directed to one (north) of two surface impoundments operated to dispose wastewater. There is no surface discharge of water from either impoundment. In the porcelain enameling process, which was discontinued in September, 1985, there were two operations. The first operation consisted of metal preparation. Parts were alkaline cleaned and water rinsed, pickled in sulfuric acid when needed (and after annealing), etched in ferric sulfate and plated in nickel sulfate. Wastewater generated in these operations was discharged into the south surface impoundment. The second operation consisted of coating the parts with porcelain enamel. Wash water from this operation was directed to the north surface impoundment. Roof and area runoff as well as cooling water is directed to the impoundments. Since the impoundment has received wastewater from an electroplating operation (as defined in USEPA's listing background document for F006), the sludge contained in the impoundment is listed hazardous waste F006. Wastewater from the electroplating operation was routed through a paper filter before discharge to the impoundment. This filter paper which holds F006 hazardous waste was, and still is, stored in a container. The company is currently in negotiations with USEPA concerning closure of the hazardous waste impoundment.

Revised 12/84

RCRA INTERIM STATUS INSPECTION FORM

40 CFR 262 (OAC 3745-52) GENERATOR REQUIREMENTS

	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>Remark #</u>
1. The hazardous waste(s) generated at this facility have been tested or are acknowledged to be hazardous waste(s) as defined in Section 261 and in compliance with the requirements of Sections 262.11. [3745-52-11(D)]	<u>    </u>	<u>  X  </u>	<u>    </u>	<u>  #1  </u>
2. Does this facility generate any hazardous wastes that are excluded from regulation under Section 261.4 [3745-51-04] (statutory exclusions) or Section 261.6 [3745-51-06(A)(1)] (recycle/reuse)?	<u>    </u>	<u>  X  </u>	<u>    </u>	<u>    </u>
3. Does this facility have waste or waste treatment equipment that is excluded from regulation because of totally enclosed treatment (Section 265.1(c)(9)) [3745-65-01] or via operation of an elementary neutralization unit and/or wastewater treatment unit (Section 265.1(c)(10) [3745-65-01]	<u>    </u>	<u>  X  </u>	<u>    </u>	<u>    </u>
4. The generator meets the following requirements with respect to the preparation, use and retention of the hazardous waste manifest:				<u>  #2  </u>
a) The manifest form used contains all of the information required by Section 262.21(a) and (b) [3745-52-21] and the minimum number of copies required by Section 262.22 [3745-52-22].	<u>    </u>	<u>    </u>	<u>  X  </u>	<u>  #2  </u>
b) The generator has designated at least one permitted disposal facility and has/will designate an alternate facility or instructions to return waste in compliance with Section 262.20 [3745-52-20(B)(C)(D)].	<u>    </u>	<u>    </u>	<u>  X  </u>	<u>  #2  </u>
c) Prepared manifests have been signed by the generator and initial transporter in compliance with Section 262.23 [3745-52-23(A)(1 and 2)].	<u>    </u>	<u>    </u>	<u>  X  </u>	<u>  #2  </u>
d) The generator has complied with manifest exception reporting requirements (investigate after 35 days, report after 45 days) in Section 262.42(a)(b) [3745-52-42].	<u>    </u>	<u>    </u>	<u>  X  </u>	<u>  #2  </u>
e) Signed copies of all hazardous waste manifests and any documentation required for Exception Reports are retained for at least 3 years as required by Section 262.40 [3745-52-40]. (262.40(a)) [3745-52-40(a)]	<u>    </u>	<u>    </u>	<u>  X  </u>	<u>  #2  </u>

Revised 12/84

RCRA INTERIM STATUS INSPECTION FORM

	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>Remark #</u>
5. The generator meets the following hazardous waste pre-transport requirements:				
a) Prior to offering hazardous wastes for transport off-site the waste material is packaged, labeled and marked in accord with applicable DOT regulations (Section 262.30, 262.31 and 262.32(a)) [3745-52-30, 3745-52-31, 3745-52-32]	<u>      </u>	<u>      </u>	<u>  X  </u>	<u>  #2  </u>
b) Prior to offering hazardous wastes for transport off-site each container with a capacity of 110 gallons (416 liters) <u>or less</u> is affixed with a completed hazardous waste label as required by Section 262.32(b) [3745-52-32].	<u>      </u>	<u>      </u>	<u>  X  </u>	<u>  #2  </u>
c) The generator meets requirements for properly placarding or offering to properly placard the initial transporter of the waste material in compliance with Section 262.33 [3745-52-33].	<u>      </u>	<u>      </u>	<u>  X  </u>	<u>  #2  </u>
6. Hazardous wastes imported from or exported to foreign countries are handled in accordance with the requirements of Section 262.50 [3745-52-50]	<u>      </u>	<u>      </u>	<u>  X  </u>	<u>  #2  </u>
7. If the generator elects to store hazardous waste on-site in <u>containers or tanks for 90 days</u> or less without a RCRA storage permit as provided under Section 262.34 [3745-52-34], the following requirements with respect to such storage are met:				
a) The containers are clearly marked with the words "Hazardous Waste".	<u>      </u>	<u>  X  </u>	<u>      </u>	<u>  #3  </u>
b) The date that accumulation began is clearly marked on each container.	<u>      </u>	<u>  X  </u>	<u>      </u>	<u>  #3  </u>
8. The generator has provided a Personnel Training Program in compliance with Section 265.16(a)(b)(c) [3745-65-16(A)(B)(C)] including instruction in safe equipment operation and emergency response procedures, training new employees within 6 months and providing an annual training program refresher course. (Section 262.34) [3745-52-34(A)(4)]	<u>      </u>	<u>  X  </u>	<u>      </u>	<u>  #4  </u>
9. The generator keeps all of the records required by Section 265.16(d)(e) [3745-65-16(D)(E)] including written job titles, job descriptions and documented employee training records (Section 262.34) [3745-52-34(A)(4)].	<u>      </u>	<u>  X  </u>	<u>      </u>	<u>  #4  </u>

Revised 12/84



RCRA INTERIM STATUS INSPECTION FORM

NOTE: SHORT-TERM STORAGE FOR 90 DAYS OR LESS IN TANKS AND CONTAINERS ALSO REQUIRES THAT REGULATIONS IN SECTION 265 [3745-65], SUBPARTS C AND D (PREPAREDNESS AND PREVENTION PLUS CONTINGENCY AND EMERGENCY) AND CERTAIN PORTIONS OF THE "CONTAINERS" AND "TANKS" RULES BE MET. COMPLETE THE APPROPRIATE SECTIONS OF THE INSPECTION FORM.

REMARKS, GENERATOR REQUIREMENTS

- #1 The company has not acknowledged that the waste contained in the impoundment is F006 hazardous waste.
- #2 No hazardous waste has been manifested off-site.
- #3 The container holding F006 hazardous waste is not marked or dated.
- #4 The company does not have a Personnel Training Program or required records.

# RCRA INTERIM STATUS INSPECTION FORM

40 CFR 265 (OAC 3745-65-et seq.) GENERAL INTERIM STATUS REQUIREMENTS AND TSD REQUIREMENTS

## SUBPARTS INCLUDED

B: General Facility Standards	H: Financial Requirements	M: Land Treatment
C: Preparedness and Prevention	I: Management of Containers	N: Landfills
D: Contingency and Emergency	J: Management of Tanks	O: Incinerators
E: Manifest/Record/Reporting	K: Surface Impoundments	P: Thermal Treatment
G: Closure	L: Waste Piles	Q: Chemical/Physical/Biological Treatment

## Subpart B: General Facility Standards

	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>Remark #</u>
1. The operator has a detailed chemical and physical analysis of the waste material containing all of the information which must be known to properly treat or store the waste as required by Section 265.13(a) [3745-65-13(A)(1)]	___	<u>X</u>	___	<u>#5</u>
2. The operator has a written waste analysis plan which describes analytical parameters, test methods, sampling methods, testing frequency and responses to any process changes that may affect the character of the waste. (Section 265.13(b)) [3745-65-13(B)]	___	<u>X</u>	___	<u>#5</u>
3. a) Would physical contact with the waste structures or equipment injure unknowing/unauthorized persons or livestock entering the facility? (265.14(a)(1)) [3745-65-14(A)(1)]	<u>X</u>	___	___	___
b) Would disturbance of the waste cause a violation of the hazardous waste regulations? (265.14(a)(2)) [3745-65-14(A)(2)]	<u>X</u>	___	___	___

IF BOTH 3a AND 3b ARE "NO", MARK QUESTIONS 4 AND 5 "NOT APPLICABLE".

Revised 12/84

RCRA INTERIM STATUS INSPECTION FORM

	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>Remark #</u>
4. The facility has -				
a) A 24-hour surveillance system, <u>or</u>	<u>X</u>	___	___	___
b) An artificial or natural barrier <u>and</u> a means to control entry at all times (265.14(b)(2)). [3745-65-14(B)(2)(a and b)]	<u>X</u>	___	___	___
5. The facility has a sign "Danger-Unauthorized Personnel Keep Out" at each entrance to the active portion of the facility and at other locations as necessary. (265-14(c)) [3745-65-14(C)]	___	<u>X</u>	___	___
6. a) The operator has developed and followed a comprehensive, written inspection plan and documented the inspections, malfunctions and any remedial actions taken in an operating record log which is kept for at least three years. (265.15) [3745-65-15]	___	<u>X</u>	___	<u>#6</u>
b) Areas subject to spills (i.e., loading and unloading areas, container storage areas, etc.) are inspected daily when in use and according to other applicable regulations when not actively in use. (265.15(b)(4)) [3745-65-15(B)(4)]	___	<u>X</u>	___	<u>#6</u>
7. The facility has provided a Personnel Training Program in compliance with Section 265.16(a)(b)(c) including instruction in safe equipment operation and emergency response procedures, training new employees within 6 months and providing an annual training program refresher course. [3745-65-16(A)(B)(C)]	___	<u>X</u>	___	<u>#4</u>
8. The facility keeps all records required by Section 265.16(d)(e) including written job titles, job descriptions and documented employee training records. [3745-65-16(D)(E)]	___	<u>X</u>	___	<u>#4</u>

Revised 12/84

# RCRA INTERIM STATUS INSPECTION FORM

	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>Remark #</u>
9. If required due to the actual hazards associated with Ignitable, Reactive or incompatible waste materials, the facility meets the following requirements: (Section 265.17) [3745-65-17]				
a) Protection from sources of ignition.	<u>      </u>	<u>      </u>	<u>X</u>	<u>      </u>
b) Physical separation of incompatible waste materials.	<u>      </u>	<u>      </u>	<u>X</u>	<u>      </u>
c) "No Smoking" or "No Open Flames" signs near areas where Ignitable or Reactive wastes are handled.	<u>      </u>	<u>      </u>	<u>X</u>	<u>      </u>
d) Any comingling of waste materials is done in a controlled, safe manner as prescribed by Section 265.17(b). [3745-65-17(B)]	<u>      </u>	<u>      </u>	<u>X</u>	<u>      </u>

## Subpart C: Preparedness and Prevention

1. Has there been a fire, explosion or non-planned release of hazardous waste at this facility? (265.31) [3745-65-31]	<u>      </u>	<u>X</u>	<u>      </u>	<u>      </u>
2. If required due to actual hazards associated with the waste material, the facility has the following equipment: (265.32) [3745-65-32(A)(B)(C)(D)]				
a) Internal alarm system.	<u>      </u>	<u>X</u>	<u>      </u>	<u>      </u>
b) Access to telephone, radio or other device for summoning emergency assistance.	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>
c) Portable fire control equipment.	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>
d) Water of adequate volume and pressure via hoses sprinkler, foamers or sprayers.	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>
3. All required safety, fire and communications equipment is tested and maintained as necessary; testing and maintenance are documented. (265.33) [3745-65-33]	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>
4. If required due to the actual hazards associated with the waste material, personnel have immediate access to an emergency communication device during times when hazardous waste is being physically handled. (265.34) [3745-65-34]	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>

Revised 12/84

RCRA INTERIM STATUS INSPECTION FORM

	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>Remark #</u>
5. If required due to the actual hazards associated with the waste material, adequate aisle space to allow unobstructed movement or emergency or spill control equipment is maintained. (265.35) [3745-65-35]	<u>      </u>	<u>      </u>	<u>X</u>	<u>      </u>
6. If required due to the actual hazards associated with the waste material, the facility has attempted to make appropriate arrangements with local emergency service authorities to familiarize them with the possible hazards and the facility layout. (265.37(a)) [3745-65-37(A)]	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>
7. Where state or local emergency service authorities have declined to enter into any proposed special arrangements or agreements the refusal has been documented. (265.37(b)) [3745-65-37(B)]	<u>      </u>	<u>      </u>	<u>X</u>	<u>      </u>

Subpart D: Contingency and Emergency

1. The facility has a written Contingency Plan designed to minimize hazards from fire, explosions or unplanned releases of hazardous wastes (265.51) [3745-65-52(A)(B)(C)(D)(E)] and contains the following components:	<u>      </u>	<u>X</u>	<u>      </u>	<u>#7</u>
a) Actions to be taken by personnel in the event of an emergency incident.	<u>      </u>	<u>X</u>	<u>      </u>	<u>#7</u>
b) Arrangements or agreements with local or state emergency authorities.	<u>      </u>	<u>X</u>	<u>      </u>	<u>#7</u>
c) Names, addresses and telephone numbers of all persons qualified to act as emergency coordinator.	<u>      </u>	<u>X</u>	<u>      </u>	<u>#7</u>
d) A list of all emergency equipment including location, physical description and outline of capabilities.	<u>      </u>	<u>X</u>	<u>      </u>	<u>#7</u>
e) If required due to the actual hazards associated with the waste(s) handled, an evacuation plan for facility personnel. (265.51(f)) [3745-65-52(F)]	<u>      </u>	<u>X</u>	<u>      </u>	<u>#7</u>
2. A copy of the Contingency Plan and any plan revisions is maintained on-site and has been submitted to all local and state emergency service authorities that might be required to participate in the execution of the plan. (265.53) [3745-65-53(A)(B)]	<u>      </u>	<u>X</u>	<u>      </u>	<u>#7</u>

Revised 12/84

RCRA INTERIM STATUS INSPECTION FORM

- |  | <u>Yes</u> | <u>No</u> | <u>N/A</u> | <u>Remark #</u> |
|--|------------|-----------|------------|-----------------|
| 3. The plan is revised in response to facility, equipment and personnel changes or failure of the plan. (265.54) [3745-65-54]  | ___        | <u>X</u>  | ___        | ___ #7          |
| 4. An emergency coordinator is designated at all times (on-site or on-call) is familiar with all aspects of site operation and emergency procedures and has the authority to implement all aspects of the Contingency Plan. (265.56) [3745-65-55]          | ___        | <u>X</u>  | ___        | ___ #7          |
| 5. If an emergency situation has occurred, the emergency coordinator has implemented all or part of the Contingency Plan and has taken all of the actions and made all of the notifications deemed necessary under Sections 265.56(a-j). [3745-65-56(A-J)] | ___        | <u>X</u>  | ___        | ___ #7          |

Subpart E: Manifests/Records/Reporting

NOTE: THE FOLLOWING REQUIREMENTS ARE APPLICABLE TO BOTH ON-SITE AND OFF-SITE TREATMENT, STORAGE AND DISPOSAL FACILITIES.

- |  |     |          |          |        |
|--|-----|----------|----------|--------|
| 1. The operator maintains a written operating record at his facility as required by Section 265.73 [3745-65-73(A)] which contains the following information:   | ___ | <u>X</u> | ___      | ___ #8 |
| a) Description and quantity of each hazardous waste treated, stored or disposed of within the facility and the date(s) and method(s) pertinent to such treatment, storage or disposal. (265.73(b)(1)) [3745-65-73(B)(1)]     | ___ | <u>X</u> | ___      | ___ #8 |
| b) Common name, EPA Hazardous Waste Identification Number and physical state (liquid, solid, gas) of the waste(s).   | ___ | <u>X</u> | ___      | ___ #8 |
| c) The estimated (or actual) weight, volume or density of the waste material(s).   | ___ | <u>X</u> | ___      | ___ #8 |
| d) A description of the method(s) used to treat, store or dispose of the waste(s) using the EPA Handling Codes listed in 45 FR 33252 (May 19, 1980).   | ___ | <u>X</u> | ___      | ___ #8 |
| e) The present physical location of each hazardous waste within the facility.  | ___ | <u>X</u> | ___      | ___ #8 |
| f) <u>FOR DISPOSAL FACILITIES</u> , the location and quantity of each hazardous waste recorded on a map of the facility and cross-references to any pertinent manifest document number(s). (265.73(b)(2)) [3745-65-73(B)(2)] | ___ | ___      | <u>X</u> | ___    |

Revised 12/84

RCRA INTERIM STATUS INSPECTION FORM

	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>Remark #</u>
g) Records of any waste analyses and trial tests required to be performed.	<u>      </u>	<u>  X  </u>	<u>      </u>	<u>  #8  </u>
h) Records of the inspections required under Section 265.15 [3745.65.14] (General Inspection Requirements - Subpart B).	<u>      </u>	<u>  X  </u>	<u>      </u>	<u>  #8  </u>
i) Records of any monitoring, testing or analytical data required under other Subparts as referenced by Section 265.73(b)(6). [3745-65-73(B)(6)]	<u>      </u>	<u>  X  </u>	<u>      </u>	<u>  #8  </u>
j) Records of Closure cost estimates and Post-Closure (DISPOSAL ONLY) cost estimates required under Subpart G.	<u>      </u>	<u>      </u>	<u>  X  </u>	<u>      </u>
2. The operators has submitted an annual Treatment-Storage-Disposal Operating Report (by March 1) containing all of the operating information required under Section 265.75. [3745-65-75]	<u>      </u>	<u>  X  </u>	<u>      </u>	<u>  #9  </u>
<b><u>NOTE:</u> THE FOLLOWING REQUIREMENTS ARE APPLICABLE TO <u>ONLY</u> OFF-SITE TREATMENT, STORAGE AND DISPOSAL FACILITIES.</b>				
3. Manifests received by the facility are signed and dated; one copy is given to the transporter, one copy is sent to the generator within 30 days and one copy is kept for at least 3 years. (265.71) [3745-65-71(A)]	<u>      </u>	<u>      </u>	<u>  X  </u>	<u>      </u>
a) If shipping papers are used in lieu of manifests (bulk shipments, etc.) the same requirements are met. (265.71(b)) [3745-65-71(B)]	<u>      </u>	<u>      </u>	<u>  X  </u>	<u>      </u>
b) Any significant discrepancies in the manifest, as defined in Section 265.72(a) [3745-65-72(A)] are noted in writing on the manifest document. (265.71(a)(2)) [3745-65-71(A)(2)]	<u>      </u>	<u>      </u>	<u>  X  </u>	<u>      </u>
4. Any manifest discrepancies have been reconciled within 15 days as required by Section 265.72(b) <u>or</u> the operator has submitted the required information to the Regional Administrator/Director. [3745-65-72(B)]	<u>      </u>	<u>      </u>	<u>  X  </u>	<u>      </u>
5. If the facility has accepted any unmanifested hazardous wastes from off-site sources (except from small quantity generators) for treatment, storage, or disposal an unmanifested waste report containing all the information required by Section 265.76 has been submitted to the Regional Administrator/Director within 15 days. [3745-65-76(A)]	<u>      </u>	<u>      </u>	<u>  X  </u>	<u>      </u>

Revised 12/84

RCRA INTERIM STATUS INSPECTION FORM

Yes   No   N/A   Remark #

Subpart G: Closure and Post-Closure

NOTE: THE FOLLOWING REQUIREMENTS ARE APPLICABLE TO BOTH DISPOSAL AND NON-DISPOSAL FACILITIES.

- |   |     |          |     |            |
|---|-----|----------|-----|------------|
| 1. A written Closure Plan is on file at the facility and contains the following elements: (Section 265.112) [3745-66-12]  | ___ | <u>X</u> | ___ | <u>#10</u> |
| a) A description of how and when the facility will be closed.<br>(265.112(a)(1)) [3745-66-12(A)(1)]   | ___ | <u>X</u> | ___ | <u>#10</u> |
| b) A description of how any of the <u>applicable</u> closure requirements in other Subparts of Section 265 [3745-66] (Tanks, Surface Impoundments, Landfill, etc.) will be carried out. | ___ | <u>X</u> | ___ | <u>#10</u> |
| c) An estimate of the maximum amount of hazardous wastes being treated or in storage at the facility. (NOTE: Maximum inventory should agree with the permit.)                           | ___ | <u>X</u> | ___ | <u>#10</u> |
| d) A description of steps taken to decontaminate facility equipment.  | ___ | <u>X</u> | ___ | <u>#10</u> |
| e) The year closure is expected to begin and a schedule for the various phases of closure.  | ___ | <u>X</u> | ___ | <u>#10</u> |
| 2. The Closure Plan has been amended within 60 days in response to any changes in facility design, processes or closure dates. (265.112(4)(B)) [3745-66-12(B)]                          | ___ | <u>X</u> | ___ | <u>#10</u> |
| 3. The Closure Plan has been submitted to the Regional Administrator/Director 180 days prior to beginning the Closure process. (265.112(4)(C)) [3745-66-12(C)]                          | ___ | <u>X</u> | ___ | <u>#10</u> |

Revised 12/84



RCRA INTERIM STATUS INSPECTION FORM

Yes   No   N/A   Remark #

Subpart H: Financial Requirements

1. The owner or operator of the facility has established financial assurance for closure by use of one of the following: (265.143) [3745-66-43]

a) A closure trust fund, or

b) A surety bond, or

c) A closure letter of credit, or

d) A combination of financial mechanisms.

	<u>X</u>		<u>#11</u>
—	<u>X</u>	—	<u>#11</u>
—	<u>X</u>	—	<u>#11</u>
—	<u>X</u>	—	<u>#11</u>
—	<u>X</u>	—	<u>#11</u>

NOTE: COMPLIANCE WITH THESE REGULATIONS IS A FEDERAL REQUIREMENT.

2. A written cost estimate for closure of the facility (as specified in the closure plan) is available.

—	<u>X</u>	—	<u>#11</u>
---	----------	---	------------

REMARKS, GENERAL INTERIM STATUS REQUIREMENTS

#5 The company does not have a written waste analysis plan

#6 The company does not have a written inspection plan or records of inspection.

#7 The company does not have a written Contingency Plan.

#8 The company does not have a written Operating Records.

#9 The company has not submitted an Annual Report.

#10 The company does not have a written Closure Plan at the facility.

#11 The company has not established financial assurance and has no written cost estimate for closure of the facility.

Revised 12/84

# RCRA INTERIM STATUS INSPECTION FORM

## Subpart I: Management of Containers

	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>Remark #</u>
1. Hazardous wastes are stored in containers which are:				
a) Closed (265.173) [3745-66-73(A)]	<u>      </u>	<u>  X  </u>	<u>      </u>	<u>  #12  </u>
b) In good physical condition (265.171) [3745-66-71]	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
c) Compatible with the wastes stored in them (265.172) [3745-66-72]	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
2. Containers are stored closed except when it is necessary to add or remove wastes. (265.173(a)) [3745-66-73(A)]	<u>      </u>	<u>  X  </u>	<u>      </u>	<u>  #12  </u>
3. Hazardous waste containers are stored, handled and opened in a manner which prevents container rupture or leakage. (265.173(b)) [3745-66-73(B)]	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
4. The area where containers are stored is inspected for evidence of leaks or corrosion at least weekly and such inspections are documented. (265.174) [3745-66-74]	<u>      </u>	<u>  X  </u>	<u>      </u>	<u>  #13  </u>
5. Containers holding Ignitable or Reactive waste(s) are located at least 50 feet (15 meters) from the property line and the general requirements for handling such wastes in Section 265.17 (physical separation, signs and safety) are met (265.176) [3745-66-76]	<u>      </u>	<u>      </u>	<u>  X  </u>	<u>      </u>
6. Containers holding hazardous wastes are stored separate from other materials which may interact with the waste in a hazardous manner. (265.177(c)) [3745-66-77(C)]	<u>      </u>	<u>      </u>	<u>  X  </u>	<u>      </u>

#12 The container holding F006 hazardous waste is not stored closed.

#13 The container storage area is not inspected.

Revised 12/84

# RCRA INTERIM STATUS INSPECTION FORM

Yes   No   N/A   Remark #

## Subpart K: Surface Impoundments

1. The Surface Impoundment is designed to operate with at least 2 feet (60 cm.) of freeboard and has a structural containment system adequate to contain the waste material. (265.222) [3745-67-22]
2. Earthen structural containment systems are equipped with protective cover such as grass, shale or rock to minimize erosion from wind and water. (265.22) [3745-67-23]
3. The level of freeboard in the Surface Impoundment is inspected at least once each operating day, the structural containment system is inspected at least once per week and all such inspections are documented. (265.226) [3745-67-26]
4. Whenever Surface Impoundments are used to treat or store wastes substantially different from previous wastes or when substantially different treatment processes are used in the Surface Impoundment, the facility has insured the safety of such changes. (265.225) [3745-67-25]
5. With the exception of emergency situations, whenever Ignitable or Reactive wastes are placed in Surface Impoundments the facility has insured the safety of the operation by treating the waste immediately after placement in the Surface Impoundment so that it is no longer Ignitable or Reactive. (265.229 and 265.17(b)) [3745-67-29 and 3745-65-17]
6. Incompatible materials are never placed in the same Surface Impoundment unless it is done in compliance with the safety requirements of Section 265.17(b) [3745-65-17]. (265.230) [3745-67-30]

_____	_____	<u>X</u>	<u>#14</u>
_____	_____	<u>X</u>	<u>#14</u>
_____	<u>X</u>	_____	<u>#14</u>
_____	_____	<u>X</u>	_____
_____	_____	<u>X</u>	_____
_____	_____	<u>X</u>	_____

NOTE: IF THE OPERATOR ELECTS NOT TO EXEMPT THE SURFACE IMPOUNDMENT FROM FURTHER REGULATIONS BY REMOVING ALL WASTE MATERIALS, THE SURFACE IMPOUNDMENT IS SUBJECT TO THE POST-CLOSURE CARE AND GROUNDWATER MONITORING REQUIREMENTS SPECIFIED IN SUBPART G FOR DISPOSAL FACILITIES AND SUBPART N, SECTION 265.310 [3745-68-10] FOR LANDFILLS. (265.228) [3745-67-28(C)]

#14 The surface impoundment was maintained with at least two feet of freeboard. However, there is no specific method to maintain freeboard. The impoundment is an excavated pit with no specific containment system and no discharge structure. It is operated as a leach pit. No inspections are conducted or documented.

Revised 12/84

# SUBPART F: GROUNDWATER MONITORING

Type of facility: (check appropriately)

- a) surface impoundment
- b) landfill
- c) land treatment facility

Yes      No      Unknown      Waived

X  
\_\_\_\_\_  
\_\_\_\_\_  
X

**NOTE:** UNDER INTERIM STATUS STANDARDS A WASTE PILE IS NOT SUBJECT TO GROUNDWATER MONITORING REQUIREMENTS. PLEASE NOTE, HOWEVER, THAT IF ANY HAZARDOUS WASTE FROM A WASTE PILE IS LEFT IN PLACE AT CLOSURE, THE "WASTE PILE" BECOMES A "LANDFILL" AND MUST MEET POST-CLOSURE RULES APPLICABLE TO LANDFILLS.

## Groundwater Monitoring Program

1. Was the groundwater monitoring program reviewed prior to site visit?  
If "No",

\_\_\_\_ X #15

a) Was the groundwater program reviewed at the facility prior to site inspection?

\_\_\_\_ X

2. Has a groundwater monitoring program (capable of determining the facility's impact on the quality of groundwater in the uppermost aquifer underlying the facility) been implemented?  
265.90(a) [3745-65-90(A)]

\_\_\_\_ X \_\_\_\_

3. Has at least one monitoring well been installed in the uppermost aquifer hydraulically upgradient from the limit of the waste management area? 265.91(a)(1) [3745-65-91(A)(1)]

\_\_\_\_ X \_\_\_\_

a) Are groundwater samples from the uppermost aquifer, representative of background groundwater quality and not affected by the facility (as ensured by proper well number, location and depths)?

\_\_\_\_ \_\_\_\_

Revised 12/84

	<u>Yes</u>	<u>No</u>	<u>Unkno</u>	<u>Waived</u>
4. Have at least three monitoring wells been installed hydraulically downgradient at the limit of the waste handling or management area? 265.91(a)(2) [3745-65-91(A)(2)]	—	<u>X</u>		
a) Do well number, locations and depths ensure prompt detection of any statistically significant amounts of hazardous waste or hazardous waste constituents that migrate from the waste management area to the uppermost aquifer?	—	—		
5. Have the locations of the waste management areas been verified to conform with information in the groundwater program?	—	<u>X</u>	—	
a) If the facility contains multiple waste management components, is each component adequately monitored?	—	—		
6. Do the numbers, locations, and depths of the groundwater monitoring wells agree with the data in the groundwater monitoring system program? If "No", explain discrepancies.	—	<u>X</u>	—	
7. Well completion details. 265.91(c) [3745-65-91(C)]		<u>X</u>		
a) Are wells properly cased?	—	—	—	
b) Are wells screened (perforated) and packed where necessary to enable sampling at appropriate depths?	—	—	—	
c) Are annular spaces properly sealed to prevent contamination of groundwater?	—	—	—	

Revised 12/84

	<u>Yes</u>	<u>No</u>	<u>Unkn</u>	<u>Waived</u>
8. Has a groundwater sampling and analysis plan been developed? 265.92(a) [3745-65-92(A)]	—	<u>X</u>	—	
a) Has it been followed?	—	—	—	
b) Is the plan kept at the facility?	—	—	—	
c) Does the plan include procedures and techniques for:				
1) Sample collection?	—	—		
2) Sample preservation?	—	—		
3) Sample shipment?	—	—		
4) Analytical procedures?	—	—		
5) Chain of custody control?	—	—		
9. Are the required parameters in groundwater samples being tested quarterly for the first year? 265.92(b) [3745-65-92(B)] and 265.92(c)(1) [3745-65-92(C)]	—	<u>X</u>		
a) Are the groundwater samples analyzed for the following:				
1) Parameters characterizing the suitability of the groundwater as a drinking water supply? 265.92(b)(1) [3745-65-92(B)(1)]	—	—		
2) Parameters establishing groundwater quality? 265.92(b)(2) [3745-65-92(B)(2)]	—	—		
3) Parameters used as indicators of groundwater contamination? 265.92(b)(2) [3745-65-92(B)(3)]	—	—		
(1) For each indicator parameter are at least four replicate measurements obtained at each upgradient well for each sample obtained during the first year of monitoring? 265.92(c)(2) [3745-65-92(C)(2)]	—	—		

Revised 12/84

	<u>Yes</u>	<u>No</u>	<u>Unkn</u>	<u>Waived</u>
(11) Are provisions made to calculate the initial background arithmetic mean and variance of the respective parameter concentrations or values obtained from the upgradient well(s) during the first year? 265.92(c)(2) [3745-65-92(C)(2)]	—	—		
b) For facilities which have completed first year groundwater sampling and analysis requirements:				
1) Have samples been obtained and analyzed for the groundwater quality parameters at least annually? 265.92(d)(1) [3745-65-92(D)(1)]	—	—		
2) Have samples been obtained and analyzed for the indicators of groundwater contamination at least semi-annually? 265.92(d)(2) [3745-65-92(D)(2)]	—	—		
c) Were groundwater surface elevations determined at each monitoring well each time a sample was taken? 265.92(e) [3745-65-92(E)]	—	—		
d) Were groundwater surface elevations evaluated annually to determine whether the monitoring wells are properly placed? 265.92(f) [3745-65-92(E)]	—	—		
e) If it was determined that modification of the number, location or depth of monitoring wells was necessary, was the system brought into compliance with 265.91(a) [3745-65-91(A)]? 265.93(f) [3745-65-93(F)]	—	—		
10. Has an outline of a groundwater quality assessment program been prepared? 265.93(a) [3745-65-93(A)]	—	<u>X</u>		
a) Does it describe a program capable of determining:				
1) Whether hazardous waste or hazardous waste constituents have entered the groundwater?	—	—		
2) The rate and extent of migration of hazardous waste or hazardous waste constituents in groundwater?	—	—		
3) Concentrations of hazardous waste or hazardous waste constituents in groundwater?	—	—		

Revised 12/84

	<u>Yes</u>	<u>No</u>	<u>Unkr</u>	<u>Waived</u>
b) After the first year of monitoring, have at least four replicate measurements of each indicator parameter been obtained for samples taken for each well? 265.93(b) [3745-65-93(B)]	—	—		
1) Were the results compared with the initial background means from the upgradient well(s) determined during the first year?	—	—		
(i) Was each well considered individually?	—	—		
(ii) Was the Student's t-test used (at the 0.01 level of significance)?	—	—		
2) Was a significant increase (or pH decrease as well) found in the:				
(i) Upgradient wells (If "Yes", Compliance Checklist A-2 must also be completed.) [3745-65-93(C)(1)]	—	—		
(ii) Downgradient wells	—	—		
11. Have records been kept of analyses for parameters in 265.92(c) and (d) [3745-65-92(C) and (D)]? 265.94(a)(1) [3745-65-94(A)(1)]	—	<u>X</u>		
12. Have records been kept of groundwater surface elevations taken at the time of sampling for each well? 265.94(a)(1) [3745-65-94(A)(1)]	—	<u>X</u>		
If "Yes", owner or operator must obtain, split, and analyze additional samples from the wells where a significant difference was detected. If the difference is confirmed, the Director should be notified in writing within 7 days and a groundwater assessment plan within 15 days. [3735-65-93(C)(2) and (D)(2)(3)]				
13. Have records been kept of required elevations in 265.93(b) [3745-65-93(B)]? 265.94(a)(1) [3745-65-94(A)(1)]	—	<u>X</u>		
14. Have the following been submitted to the Regional Administrator: 265.94(a)(2) [3745-65-94(A)(2)]		<u>X</u>		
a) Initial background concentrations of parameters listed in 265.92(b) [3745-65-92(B)] within 15 days after completing each quarterly analysis required during the first year?	—	—		

Revised 12/84



	<u>Yes</u>	<u>No</u>	<u>Un</u>	<u>in</u>	<u>Waived</u>
b) For each well, have any parameters whose concentrations or values have exceeded the maximum contaminant levels allowed in drinking water supplied been separately identified?	—	—			X
c) Annual reports including: [3745-65-94(A)(2)]					
1) Concentrations or values of parameters used as indicators of groundwater contamination for each well along with required evaluations under 265.93(b) [3745-65-93(B)]?					X
	—	—			X
2) Any significant differences from initial background values in upgradient wells separately identified?	—	/	—		X
3) Results of the evaluation of groundwater surface elevations?	—	—			X

Comments: Subpart F

#15 The company does not have a groundwater monitoring program.

Revised 12/84

# Burgess & Niple, Limited

Engineers and Architects

5085 Reed Road • Columbus, OH 43220 • (614) 459-2050



March 20, 1986

Mr. James H. Russell  
Baker & Hostetler  
3200 National City Center  
Cleveland, OH 44114

Re: Roger Grimes' Letter  
of February 27, 1986

Dear Jim:

I am in receipt of a copy of Roger Grimes' letter of February 27, 1986, which outlines the United States Environmental Protection Agency's (U.S. EPA) position regarding the Jones Metal Products lagoon closure. U.S. EPA has offered the following:

1. U.S. EPA will allow Jones to close the two lagoons in place as RCRA landfills.
2. A RCRA groundwater monitoring system which meets the requirements of 40CFR 265.90 would have to be installed and operated for a period of 30 years. 40CFR 265.90 requires that the groundwater monitoring program:
  - A. be capable of determining the facilities' impact on the uppermost aquifer which underlies the facility;
  - B. meet the requirements of 40CFR 265.91 and will comply with 40CFR 265.92, 265.93, and 265.94; and
  - C. be operated during the post closure care period, i.e. 30 years.
3. 40CFR 265.91 requires that the groundwater monitoring system be capable of yielding groundwater samples and must consist of at least one monitoring well located hydraulically upgradient which is sufficient to yield a representative sample of the uppermost aquifer that has not been affected by the facility. This Part also requires installation of at least three monitoring wells to be located hydraulically downgradient of the facility.

# Burgess & Niple, Limited

March 20, 1986

Page 2

4. 40CFR 265.92 requires Jones to develop and follow a groundwater sampling and analysis plan which is to be kept at the site. The Plan must include procedures for sample collection, sample preservation and shipment, analytical procedures, and chain of custody control. Parameters to be analyzed include:

Arsenic	Chloride
Barium	Iron
Cadmium	Manganese
Total Chromium	Phenols
Fluoride	Sodium
Lead	Sulfate
Mercury	pH
Nitrate	Specific Conductance
Selenium	Total Organic Carbon
Silver	Total Organic Halogen

Endrin, Lindane, Methoxychlor,  
Toxaphene, 2,4,D, 2,4,5,TP, Radium,  
Gross Alpha and Beta Particles,  
Turbidity, and Total Coliform Bacteria.

Initial background concentrations for each of these parameters must be established. Sampling and analysis must continue on a quarterly basis for 1 year.

At least four replicate measurements on quarterly samples must be obtained for each of the well samples for the following parameters during the first year:

pH  
Specific Conductance  
Total Organic Carbon  
Total Organic Halogen

A statistical analysis must be made on the replicate samples. After the first year, all wells must be sampled annually for Chloride, Iron, Manganese, Phenols, Sodium and Sulfate. Samples must be analyzed semi-annually for pH, Specific Conductance, Total Organic Carbon, and Total Organic Halogen.

Elevation of the water level in each monitoring well must be determined at the time of each sampling.

# Burgess & Niple, Limited

March 20, 1986

Page 3

5. 40CFR 265.93 requires that Jones prepare an outline of a Groundwater Assessment Program. This Assessment must be capable of determining:
  - A. whether hazardous waste or hazardous constituents have entered the groundwater;
  - B. the rate and extent of migration of the hazardous waste or hazardous constituents;
  - C. the concentrations of hazardous waste or hazardous constituents in the groundwater.

If statistically significant increases in contaminant levels or decreases in pH occur, Jones must notify U.S. EPA that the facility may be affecting groundwater quality. Jones must also develop a plan for a Groundwater Assessment Program for the facility. Jones must then implement the Plan to determine the rate and extent of migration of hazardous waste or hazardous constituents and must report the concentrations of these pollutants.

40CFR 265.93(7)(ii) limits the Groundwater Assessment activity if it was begun after closure of the lagoons. At least annually, Jones will have to monitor and report static water levels in accordance with 40CFR 265.92(c) in order to make certain that the monitoring wells are satisfactorily located as required by 265.91(a).

6. 40CFR 265.94 requires recordkeeping for data obtained and submittal to U.S. EPA on prescribed dates. This information is related to measurements taken while the site is active, and for the post-closure period.
7. There is no reference for the regulatory requirements for a "post-closure permit."
8. 40CFR 265.143 requires Jones to provide evidence of the financial capability to close the existing lagoons.
9. 40CFR 265.145 requires Jones to provide evidence of the financial capability to fund the post-closure activities during the post-closure period.
10. 40CFR 265.112, 265.228, and 265.310 describe the elements to be included in the Closure Plan.

I am enclosing a copy of the cited Federal Regulations with the appropriate sections highlighted.

# Burgess & Niple, Limited

March 20, 1986

Page 4

I would like you to consider the following settlement approach which is simpler and embodies the intent of Grimes' request:

## 1. GROUNDWATER MONITORING PLAN

- A. Jones will install one upgradient and three downgradient monitoring wells in locations identified as a part of the Groundwater Monitoring Plan. The wells will be constructed in accordance with 40CFR 265.91(c).
- B. The wells will be installed as a part of the lagoon closure activities as identified in the Lagoon Closure Plan.
- C. Jones will maintain the monitoring wells for a period of at least 10 years after the lagoon closure is completed.
- D. The upgradient well will be installed at a location and depth which can reasonably be expected to be representative of the background groundwater quality in the uppermost aquifer near the facility.
- E. The downgradient wells will be installed at locations and depths which can reasonably be expected to be representative of groundwater quality in the uppermost aquifer hydraulically downgradient of the facility.

## 2. GROUNDWATER ASSESSMENT

- A. Upon completion of the installation of the groundwater monitoring wells, Jones will sample each well for the following parameters on a quarterly basis for 1 year:

pH	Arsenic
Specific Conductance	Barium
Total Organic Carbon	Cadmium
Total Organic Halogen	Total Chromium
Chloride	Fluoride
Iron	Lead
Manganese	Mercury
Phenols	Nitrate
Sodium	Selenium
Sulfate	Silver

Endrin, Lindane, Methoxychlor,  
Toxaphene, 2,4,D, 2,4,5,TP, Radium,  
Gross Alpha and Beta Particles,  
Turbidity, and Total Coliform Bacteria.

# Burgess & Niple, Limited

March 20, 1986

Page 5

After the first year, each of the monitoring wells will be sampled quarterly for:

pH  
Specific Conductance  
Total Organic Carbon  
Total Organic Halogen

After the first year, each of the monitoring wells will be sampled semi-annually for:

Chloride  
Iron  
Manganese  
Phenols  
Sodium  
Sulfate

- B. One replicate measurement will be made for each sample for each well during the 12-month period. The arithmetic mean of all values will be computed for the four quarterly samples taken during the 12-month period and will constitute the background condition at the time of closure.
- C. Jones will collect quarterly and semi-annual samples, as described in Item 2.A., from each of the four wells and will report the information to the Regional Administrator not more than 15 days after completing the semi-annual analysis. The sampling requirement will be reviewed after each year to determine the need for continuation, but shall not exceed a 10-year period following closure of the lagoons.

### 3. SAMPLING AND ANALYSIS PLAN

- A. Jones will prepare a Monitoring Well Sampling and Analysis Plan for the four monitoring wells and will submit the Plan to U.S. EPA not more than 45 days after the effective date of the CAFO. The plan will include procedures and techniques for sample collection; sample preservation and shipment; analytical procedures; and chain of custody control.

### 4. RECORD KEEPING

- A. Jones will keep accurate records of all monitoring well laboratory analyses and the associated groundwater elevations observed at the time of sampling. Reports will be forwarded to U.S. EPA not more than 15 days after completion of the laboratory analysis.

# Burgess & Niple, Limited

March 20, 1986

Page 6

## 5. SCHEDULE FOR IMPLEMENTATION

A. Within 30 days after signing the CAF0, Jones shall submit a schedule for closing the existing lagoons which shall include the following events:

- Completing Detail Plans of Specifications for Wastewater Diversion and Construction of Wastewater Treatment Facilities
- Submittal of Proposed Groundwater Monitoring Well Locations
- Submittal of Sampling and Analysis Plan
- Submittal of Closure Plan for Existing Lagoons
- Receiving Approval of Permit to Install
- Award of Wastewater Collection and Treatment Construction Contracts
- Obtaining NPDES Permits from Ohio EPA
- Start-up of Wastewater Treatment Facilities
- Closure of Existing Lagoons Started
- Closure of Existing Lagoons Completed.

## 6. LAGOON CLOSURE PLAN

A. Jones will submit a Lagoon Closure Plan which shall include:

1. the steps to be taken to close the existing lagoons in place in accordance with our letter dated March 11, 1985;
2. an estimate of the amount of sludge to remain in the lagoons following closure;
3. an estimate of the amount of time required to close the lagoons;
4. an estimate of cost for closure; and
5. a schedule for installing the monitoring wells.

# Burgess & Niple, Limited

March 20, 1986  
Page 7

## 7. SCHEDULE FOR IMPLEMENTATION OF CLOSURE PLAN

- A. The Closure Plan shall contain a schedule for implementation.

## 8. FINANCIAL ASSURANCE FOR CLOSURE

- A. Jones shall submit information to U.S. EPA to document that adequate funds are on deposit for closure and installation of the groundwater monitoring wells.

## 9. FINANCIAL ASSURANCE FOR POST-CLOSURE ACTIVITIES

- A. Jones shall submit information to U.S. EPA to document that adequate funds are on deposit for completing the sampling and analysis plan for a 10-year period after closure of the lagoons.

## 10. POST-CLOSURE PERMIT APPLICATION

- A. Jones shall complete a Post-Closure Permit application on forms provided by U.S. EPA within 90 days of completing the lagoon closure activities.

## 11. CIVIL PENALTY

- A. Jones will pay a civil penalty of \$10,000 in consideration of the acceptance of the CAF0.

Jim, you can expand on the legal language and clean up my draft as you desire. I believe, however, that the technical aspects of my Proposal are sound, are considerably simpler than those proposed by U.S. EPA, and embody the intent of their proposed settlement.

I estimate that the potential cost for the closure in place and laboratory fees are as follows:

Reports, Closure Plans, Schedules, etc.	\$ 35,000
Monitoring Well Installation	25,000
Lagoon Closure	200,000
Laboratory Fees (10-year Period)	<u>30,000</u>
TOTAL ESTIMATED COST	\$300,000



# Burgess & Niple, Limited

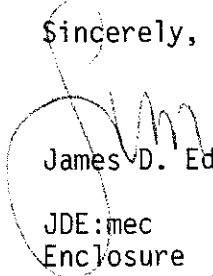
March 20, 1986

Page 8

As a comparison, we have previously estimated that the cost for closure by removing all of the material would be in the range of \$450,000 to \$500,000.

Perhaps you, Ed and I can get together to finalize our proposal at your earliest convenience.

Sincerely,



James D. Edwards

JDE:mec

Enclosure

cc: Mr. Ed Bell

Mr. Mark Rowland



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.

CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF:

27 FEB 1986

James H. Russell  
Baker Hostetler  
3200 National City Center  
Cleveland, Ohio 44114

RE: Jones Metal Products Company

Dear Jim:

In an effort to assist you and Jones Metal Products Company (Jones) in reaching some conclusions on this matter, I want to convey to you several recent developments here in Chicago. Following our last conversation, Paul Dimock and I considered possible ways through which we could settle this matter while at the same time leaving in place the material in the lagoons. We believe there is a way to do this, and this has been discussed with the management in the Waste Management Division. Should Jones decide to "close" the lagoons, and leave the hazardous wastes in place, those lagoons would have to be closed as RCRA landfills. Several requirements must go along with such a closure. First, a RCRA groundwater monitoring system meeting the requirements of 40 CFR 265.90 would have to be installed and operated for a minimum of 30 years. Secondly, the Agency would require a permit application from Jones for a "post-closure permit". Among the requirements for such a post-closure permit would be the groundwater monitoring system and financial assurance for post-closure care of the closed landfill. This financial assurance would have to come about in two stages: First, prior to the completion of the closure activity the financial assurance would have to conform to the requirements of 40 CFR 265.143. Following completion of the closure activity, the post-closure financial assurance would have to conform to 40 CFR 265.145. A closure plan would have to be approved by the Agency and would include provision for both the groundwater monitoring as well as the pre- and post-closure financial assurance. The closure plan itself must conform to 40 CFR 265.112 (which encompasses provisions from both 40 CFR 265.228 and 40 CFR 265.310).

In our discussion we attempted to think through the content of a Compliance Agreement and Final Order (CAFO) for settlement in this manner. As we see it, a CAFO would have to contain the following elements:

1. Submission of a proposed plan for a groundwater monitoring system.
2. Submission of a written outline for a groundwater assessment program.
3. Submission of a sampling and analysis plan.
4. Provision for proper record keeping.
5. A schedule for the implementation of the various plans and programs.
6. Submission of a closure plan in accordance with 40 CFR 265.112, 265.228, and 265.310.
7. A schedule for implementation of the closure plan.
8. A provision for the establishment of financial assurance for closure.
9. A provision for the establishment of financial assurance for post-closure.
10. A provision for the submission of a post-closure permit application.
11. A provision for the payment of a substantial portion of the proposed civil penalty.

As we conceived it, several of the items specified above would be submitted to the Agency within a certain number of days after the entry of the CAFO. Upon approval by the Agency, Jones would be required to implement the various plans and programs in accordance with approved schedules for such implementations.

We believe that this proposal is likely to save a substantial amount of money for Jones because it does not contemplate complete excavation of all the materials from the lagoons. Moreover, we believe that this proposal is very near the "bottom line" of what the Agency can offer in settlement of this matter. Let me reiterate that the intensity of the pressure on Paul and me to resolve this matter has been increasing. We, like you, are very interested in completed a CAFO if at all possible within the month of March.

If after your review of this proposal you believe it holds some possibility for settlement, please contact us and we can draft a CAFO to embody this proposal.

Very truly yours,



Roger Grimes  
Assistant Regional Counsel

C.C. MARILYN ZUMBRO

# BAKER & HOSTETLER

COUNSELLORS AT LAW

3200 NATIONAL CITY CENTER

CLEVELAND, OHIO 44114

(216) 621-0200

TWX 810 421-8375

TELECOPIER: (216) 696-0740

January 7, 1986

IN WASHINGTON, D.C.  
1050 CONNECTICUT AVE., N.W.  
WASHINGTON, D.C. 20036  
(202) 861-1500

IN COLUMBUS, OHIO  
65 EAST STATE STREET  
COLUMBUS, OHIO 43215  
(614) 228-1541

IN ORLANDO, FLORIDA  
13TH FLOOR BARNETT PLAZA  
ORLANDO, FLORIDA 32801  
(305) 841-1111

IN DENVER, COLORADO  
303 EAST 17TH AVENUE  
DENVER, COLORADO 80203  
(303) 861-0600

DIRECT DIAL NUMBER

(216) 861-7356

Roger M. Grimes  
Assistant Regional Counsel  
U. S. Environmental Protection  
Agency  
Region 5  
230 South Dearborn  
Chicago, IL 60604

Re: USEPA v. The Jones Metal Products Company  
Your Docket No. V-W-85-R-21

Dear Roger:

This will confirm our agreement that you and Paul Dimock and I will meet in your office at 9 a.m. on January 14. As you know, I will be at Region 5 for another meeting at 1:00 p.m. that day, and it is helpful to me and Jones Metal to be able to spend some time with you and Paul while I am in the Loop on another matter. Thank you for your consideration.

As we discussed, the point I want to raise with Paul is this: Jones cannot sign a consent order that silently allows the Agency to later contend that Jones is an electroplater or a RCRA facility. For example, you and I had already agreed that our consent order could be silent on Jones' RCRA status. But Paul wants the RCRA Civil Penalty Policy to apply in computing the monetary penalty. I believe that you and I will ultimately somehow agree on money, but this event illustrates the problem. If Paul can contend that the RCRA Civil Penalty Policy applies notwithstanding our oral agreement that the consent order can be silent on RCRA compliance, then he can contend later on that Jones is an electroplater with RCRA obligations, even though Jones signed a consent order that is silent on RCRA. Jones cannot enter into such a settlement.

ER & HOSTETLER

Roger M. Grimes  
January 7, 1986  
Page Two

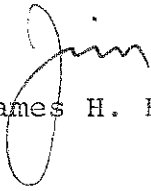
I believe that this case can still be settled, but only if we all ask the right question together. That question is: "Can this case be settled, and if so, how?" The question is not whether Jones is an electroplater. If the K062 rulemaking comes out favorably for Jones, I don't see how the Agency would ever prevail against Jones.

I think this case is a good one for the Agency to settle, but it will have to be on a basis that gives Jones a better deal than what it could get if K062 goes against Jones. If the Agency can't do that, Jones is better off waiting out the rulemaking and moving to stay your action until that time, if you pursue us.

Let's talk on the 14th and see if together we can get off this electroplating issue and on to something that will settle this case. I have some ideas I'd like to suggest to you at that time.

I'm looking forward to seeing you.

Sincerely,



James H. Russell

0488:2508

cc: Edmund S. Bell  
James Edwards  
Edward F. Mulligan



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.

CHICAGO, ILLINOIS 60604

19 DEC 1985

REPLY TO THE ATTENTION OF:

MEMORANDUM

SUBJECT: Jones Metal Products Company Proposal for  
Settlement

FROM: Roger Grimes *Roger Grimes*  
Assistant Regional Counsel

TO: The File

On December 12, 1985, Jim Russell contacted me to convey a proposal from the Jones Metal Products Company (JMP) for settlement of a RCRA complaint. JMP's proposal has essentially three parts:

1. JMP will install monitoring wells in accordance with RCRA guidelines; that is, one up-gradient well, and three down-gradient wells.
2. JMP will agree to a substantially reduced set of sample analyses. The Company has reviewed the Appendix VIII sampling requirements and will agree to sample and analyze for all compounds on the Appendix VIII list that they have used in the past. As Russell explained it, this would be something like 5% of the compounds listed in Appendix VIII.
3. The Company will be willing to sign a consented Administrative Order providing that the A.O. does not find specifically that JMP's facility is a RCRA-regulated facility.

One additional concept that we discussed was that the Company would want the A.O. to give it full "protection" for all past RCRA violations in the event that the presently pending rulemaking is not decided in its favor. Essentially, what this proposal will do is to cause the Company to come into RCRA compliance without admitting that it is a RCRA facility. All pasted RCRA-type violations will be addressed in the A.O., but following the decision on the pending rulemaking action

further violations could be found.

Russell did not want to discuss the penalty amount as proposed in the RCRA complaint. We both agreed to hold that discussion until such time as we could reach conceptual agreement on the issuance of a CAFO.

We left our discussion that I would contact Dimock, discussed this proposal and then get back to Russell. He and the Company would be happy to come to Chicago to finalize any agreement that we could reach.

cc: Rodger Field  
Mary Gade  
Paul Dimock (WMD)



25 NOV 1985

James S. Russell  
Baker & Hostetler  
3200 National City Center  
Cleveland, OH 44114

RE: The Jones Metal Products Company  
Docket No. V-W-85-R-21

Dear Jim:

Following our conversation of November 5, 1985, I have reviewed this entire matter with Paul Dimock, and we have several points to make relative to a possible settlement. I would like to describe to you, conceptually, the framework that we believe could lead to a settlement of this matter. In the event Jones could agree to this framework of settlement, we would have to then work on its details.

It was my understanding from our earlier conversations that one of the primary concerns of Jones is the ground water monitoring requirements that appeared in the draft Consent Agreement and Final Order (CAFO) which we sent to you on September 10, 1985. One way in which we can tailor the ground water monitoring program to the specific needs of this case is to delete it entirely from paragraph C.4. of the draft CAFO. Our intent in doing so would be to have the ground water monitoring program become a subpart of the closure plan addressed at paragraph C.5.

In so doing, it would allow the Agency to be more flexible in its approach to the requirements of such a ground water monitoring program. While Paul and I did not discuss each and every point that would be required in such a ground water monitoring program, it was apparent that several things would be necessary, such as a minimum of one up-gradient well, three down-gradient wells. In lieu of the quarterly sampling requirements of RCRA we would consider an alternate sampling and analysis proposal. One such proposal could involve one round of "Appendix VIII" sampling and analyses. The intent of that type of sampling and analyses would be to assess any impact upon ground water by any of Jones' activities. The actual installation of the system would have to correspond to RCRA construction standards.

When you have had an opportunity to review this settlement proposal in concept, please contact me at (312) 886-4247 to discuss it further and to arrange a meeting if you believe that would be helpful. As I noted above, should Jones be willing to consider a settlement along the lines outlined above, we would have to work out the several additional details of a CAFO. I look forward to hearing from you in the near future.

Very truly yours,

Roger Grimes  
Assistant Regional Counsel

bcc: Paul Dimock (WMD)

" MARILYN ZUMBRO

# BAKER & HOSTETLER

COUNSELLORS AT LAW

IN WASHINGTON, D.C.  
1050 CONNECTICUT AVE., N.W.  
WASHINGTON, D.C. 20036  
(202) 861-1500

IN COLUMBUS, OHIO  
65 EAST STATE STREET  
COLUMBUS, OHIO 43215  
(614) 228-1541

3200 NATIONAL CITY CENTER  
CLEVELAND, OHIO 44114

(216) 621-0200  
TWX 810 421-8375  
TELECOPIER: (216) 696-0740

November 8, 1985

IN ORLANDO, FLORIDA  
13TH FLOOR BARNETT PLAZA  
ORLANDO, FLORIDA 32801  
(305) 841-1111

IN DENVER, COLORADO  
303 EAST 17TH AVENUE  
DENVER, COLORADO 80203  
(303) 861-0600

DIRECT DIAL NUMBER

(216) 861-7356

Docket Clerk  
Office of Solid Waste (WH-562)  
United States Environmental  
Protection Agency  
401 M Street, S.W.  
Washington, D.C. 20460

Re: Section 3001--Spent Pickle Liquor Notice

Dear Sir:

The Jones Metal Products Company ("Jones") wishes to comment on the Agency's Notice of Proposed Rulemaking and Request for Comments and Data appearing in the Federal Register of September 10, 1985, 50 FR 36966.

Jones is a porcelain enameller located in West LaFayette, Ohio 43845 (614/545-6381), I.D. No. OHD004280897. Jones has been a porcelain enameller at this location since 1923. It employs approximately 200 people.

In August, 1980, Jones carefully considered whether to file a Part A Application, under the May 19, 1980 RCRA Regulations. Jones decided not to do so for the following reasons:

1. The neutralized spent pickle liquor that Jones uses contains no chromium nor lead. Jones' EP Toxicity tests at that time showed that the neutralized spent pickle liquor was not characteristic waste. Jones therefore concluded that the Agency's reason for listing K062--its lead and chromium content--was not intended to apply to Jones' neutralized spent pickle liquor.
2. Jones engaged in no activity described or contemplated by SIC Code 3312.

BAKER & HOSTETLER

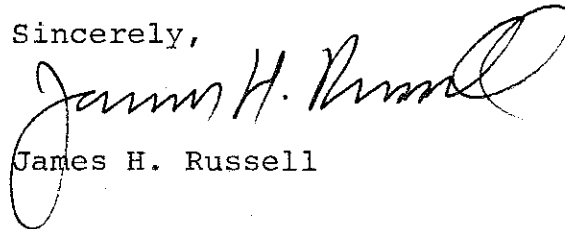
Docket Clerk  
November 8, 1985  
Page Two

Jones therefore decided in August, 1980, as it would decide today, that the K062 listing was not waste that the Agency intended to regulate as applied to Jones. Jones strongly denies that "industry generally understood the listing to apply to non-iron and steel facilities," as the Agency contends at Page 36968 of the NPRM. Jones certainly never understood the listing in that way. And if that understanding were generally true, the Skinner memorandum would have been unnecessary.

In 1984, Jones considered, with other members of the Porcelain Enamel Institute, whether the Skinner memorandum should cause Jones and porcelain enamellers to change the conclusion that K062 did not apply to waste such as Jones' neutralized spent pickle liquor. Jones found the Skinner memorandum to be confusing, but after careful consideration the company reaffirmed its prior conclusion of 1980, based on the facts contained in above paragraphs number 1 and 2.

Please direct all questions concerning these comments to the undersigned.

Sincerely,



James H. Russell

0488:2508  
05879-60-001

cc: Edmund S. Bell, Jr.  
James Edwards  
Edward F. Mulligan

Jones Metal

# BAKER & HOSTETLER

COUNSELLORS AT LAW

3200 NATIONAL CITY CENTER

CLEVELAND, OHIO 44114

(216) 621-0200

TWX 810 421-8375

TELECOPIER: (216) 696-0740

November 8, 1985

IN WASHINGTON, D.C.  
1050 CONNECTICUT AVE., N.W.  
WASHINGTON, D.C. 20036  
(202) 861-1500

IN COLUMBUS, OHIO  
65 EAST STATE STREET  
COLUMBUS, OHIO 43215  
(614) 228-1541

IN ORLANDO, FLORIDA  
13TH FLOOR BARNETT PLAZA  
ORLANDO, FLORIDA 32801  
(305) 841-1111

IN DENVER, COLORADO  
303 EAST 17TH AVENUE  
DENVER, COLORADO 80203  
(303) 861-0600

DIRECT DIAL NUMBER

(216) 861-7356

RECEIVED  
NOV 12 1985  
U.S. EPA REGION 7  
WASTE MANAGEMENT DIVISION  
Hazardous Waste Enforcement Unit

United States Environmental  
Protection Agency  
Waste Management Division  
230 South Dearborn Street  
Chicago, IL 60604

ATTENTION: RCRA Enforcement Section, 5HE-12

Re: The Jones Metal Products Company  
I.D. No. OHD004280897

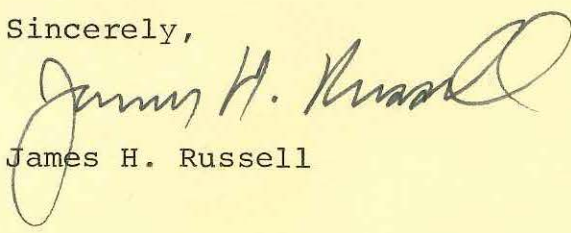
Dear Sir:

This is the response of the Jones Metal Products Company to the Agency's Request for Information Pursuant to Section 3007 of RCRA.

Jones has no RCRA land disposal facility, and no interim status. Jones generates no hazardous waste, based on the EP Toxicity test for characteristic waste. Jones is awaiting a determination by USEPA as to whether Jones' neutralized spent pickle liquor is K062 listed waste. Jones' comments on this Agency rulemaking are attached and self-explanatory.

Please direct all questions or comments concerning this response to the undersigned.

Sincerely,



James H. Russell

0488:2508  
05879-60-001

cc: Edmund S. Bell, Jr.  
James Edwards  
Edward F. Mulligan

# BAKER & HOSTETLER

COUNSELLORS AT LAW

3200 NATIONAL CITY CENTER

CLEVELAND, OHIO 44114

(216) 621-0200

TWX 810 421-8375

TELECOPIER: (216) 698-0740

November 8, 1985

IN WASHINGTON, D.C.  
1050 CONNECTICUT AVE., N.W.  
WASHINGTON, D.C. 20036  
(202) 861-1500

IN COLUMBUS, OHIO  
65 EAST STATE STREET  
COLUMBUS, OHIO 43215  
(614) 228-1541

IN ORLANDO, FLORIDA  
13TH FLOOR BARNETT PLAZA  
ORLANDO, FLORIDA 32801  
(305) 841-1111

IN DENVER, COLORADO  
303 EAST 17TH AVENUE  
DENVER, COLORADO 80203  
(303) 861-0600

DIRECT DIAL NUMBER

(216) 861-7356

Docket Clerk  
Office of Solid Waste (WH-562)  
United States Environmental  
Protection Agency  
401 M Street, S.W.  
Washington, D.C. 20460

Re: Section 3001--Spent Pickle Liquor Notice

Dear Sir:

The Jones Metal Products Company ("Jones") wishes to comment on the Agency's Notice of Proposed Rulemaking and Request for Comments and Data appearing in the Federal Register of September 10, 1985, 50 FR 36966.

Jones is a porcelain enameller located in West LaFayette, Ohio 43845 (614/545-6381), I.D. No. OHD004280897. Jones has been a porcelain enameller at this location since 1923. It employs approximately 200 people.

In August, 1980, Jones carefully considered whether to file a Part A Application, under the May 19, 1980 RCRA Regulations. Jones decided not to do so for the following reasons:

1. The neutralized spent pickle liquor that Jones uses contains no chromium nor lead. Jones' EP Toxicity tests at that time showed that the neutralized spent pickle liquor was not characteristic waste. Jones therefore concluded that the Agency's reason for listing K062--its lead and chromium content--was not intended to apply to Jones' neutralized spent pickle liquor.
2. Jones engaged in no activity described or contemplated by SIC Code 3312.

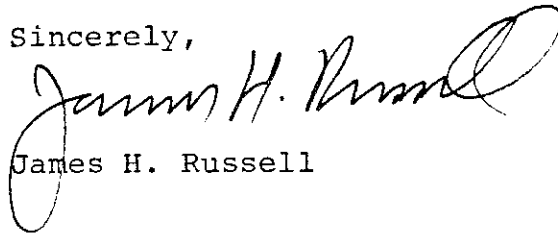
Docket Clerk  
November 8, 1985  
Page Two

Jones therefore decided in August, 1980, as it would decide today, that the K062 listing was not waste that the Agency intended to regulate as applied to Jones. Jones strongly denies that "industry generally understood the listing to apply to non-iron and steel facilities," as the Agency contends at Page 36968 of the NPRM. Jones certainly never understood the listing in that way. And if that understanding were generally true, the Skinner memorandum would have been unnecessary.

In 1984, Jones considered, with other members of the Porcelain Enamel Institute, whether the Skinner memorandum should cause Jones and porcelain enamellers to change the conclusion that K062 did not apply to waste such as Jones' neutralized spent pickle liquor. Jones found the Skinner memorandum to be confusing, but after careful consideration the company reaffirmed its prior conclusion of 1980, based on the facts contained in above paragraphs number 1 and 2.

Please direct all questions concerning these comments to the undersigned.

Sincerely,



James H. Russell

0488:2508  
05879-60-001

cc: Edmund S. Bell, Jr.  
James Edwards  
Edward F. Mulligan

# BAKER & HOSTETLER

COUNSELLORS AT LAW

IN WASHINGTON, D.C.  
1050 CONNECTICUT AVE., N.W.  
WASHINGTON, D.C. 20036  
(202) 861-1500

IN COLUMBUS, OHIO  
65 EAST STATE STREET  
COLUMBUS, OHIO 43215  
(614) 228-1541

3200 NATIONAL CITY CENTER  
CLEVELAND, OHIO 44114

(216) 621-0200  
TWX 810 421-8375  
TELECOPIER: (216) 696-0740

October 2, 1985

IN ORLANDO, FLORIDA  
13TH FLOOR BARNETT PLAZA  
ORLANDO, FLORIDA 32801  
(305) 841-1111

IN DENVER, COLORADO  
303 EAST 17TH AVENUE  
DENVER, COLORADO 80203  
(303) 861-0600

DIRECT DIAL NUMBER

(216) 861-7356

Roger M. Grimes  
Assistant Regional Counsel  
U. S. Environmental Protection  
Agency  
Region V  
230 South Dearborn Street  
Chicago, IL 60604

Re: The Jones Metal Products Company  
Docket No. V-W-85-R-21  
Consent Agreement and Final Order

Dear Roger:

This will confirm our telephone agreement with you and Paul Dimock last week. We will prepare a second draft consent order and forward it to you for review. It is our goal to find a common ground between Paul's draft order and the one we will send to you. Jones wants to settle, as you know.

The reason we cannot go along with Paul's draft order is that it makes incorrect legal assumptions about Jones' status as a TSDF. Jones never was an electroplater. Now, having discontinued its porcelain enameling operation, it could never be deemed an electroplater without the nickel/sulfate bath that was part of the enameling operation. Jones is no longer a porcelain enameler, and all Jones' EP toxicity tests are negative.

Thus, the only legal ground on which the Agency could base the treatment requirements in Paul's draft order is very questionable; i.e., that Jones has KO62 waste and is part of the iron and steel finishing industry. As you know, the Agency itself has thrown this view into question. Please see the attached Notice of Proposed Rulemaking and Request for Comments and Data, dated September 10. Comments are due November 12.

RECEIVED  
OCT 4 1985  
U.S. EPA, REGION V  
WASTE MANAGEMENT DIVISION  
HAZARDOUS WASTE ENFORCEMENT BRANCH



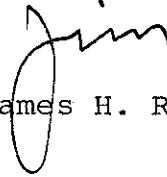
Roger M. Grimes  
October 2, 1985  
Page Two

Jones has asked me whether Jones is legally required to comply with the terms of Paul's order. I clearly cannot say yes, for the reasons shown above, and I'm very close to saying no altogether, pending the outcome of the Agency's NPRM. However, we would like to have a settlement much sooner than that.

I therefore believe that Paul's order truly overreaches, and we will send you a draft that does not make the wrong legal assumptions. I hope you continue to believe, as I do, that this case can be settled soon.

Many thanks for your cooperation. Please let me know if you have any questions. I will be out of the office during most of the weeks of October 7 and October 14, but we will try to get back to you before October 29, if that is acceptable to you.

Sincerely,



James H. Russell

0488:2508  
05879-60-001

cc: Edmund S. Bell, Jr.  
Paul Dimock  
James Edwards  
Edward F. Mulligan

**Tuesday  
September 10, 1985**

---

**Part III**

**Environmental  
Protection Agency**

---

**40 CFR Part 261**

**Hazardous Waste Management System;  
Identification and Listing of Hazardous  
Waste; Proposed Rule and Request for  
Comments and Data**

# ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 261

[SWH-FRL 2857-5]

### Hazardous Waste Management System; Identification and Listing of Hazardous Wastes

**AGENCY:** U.S. Environmental Protection Agency.

**ACTION:** Notice of Proposed Rulemaking and Request for Comments and Data.

**SUMMARY:** The U.S. Environmental Protection Agency (EPA) is today requesting comments and data on issues pertaining to the scope of the listing for spent pickle liquor from steel finishing operations contained in the Hazardous waste regulations under the Resource Conservation and Recovery Act (RCRA). EPA is taking this action in response to a rulemaking petition challenging the Agency's interpretation of the listing.

Today's notice outlines the history of regulatory actions concerning spent pickle liquor, raises issues arising from the manner in which the listing is written, and seeks comment on possible resolutions of these issues.

**DATE:** EPA will accept comments on this notice until November 12, 1985.

**ADDRESSES:** Comments on this notice should be sent to the Docket Clerk, Office of Solid Waste (WH-562), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. Comments should identify the regulatory docket number "Section 3001—Spent pickle liquor notice."

The docket for this notice is located in Rooms S-212A, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, and is available for viewing from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

**FOR FURTHER INFORMATION CONTACT:** RCRA Hotline, toll free, at (800) 424-9348 or at (202) 382-3000. For technical information contact Jacqueline Sales, Office of Solid Waste (WH-562B), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 382-4770.

**SUPPLEMENTARY INFORMATION:** A number of porcelain enamel companies—the Hobart Corporation, Maytag Co., Magic Chef Inc., and State Industries—have filed a rulemaking petition with the Agency requesting that EPA clarify the listing description for "spent pickle liquor from steel finishing

operations"<sup>1</sup> (40 CFR 261.32—EPA Hazardous Waste No. K062) to indicate that the listing applies only to wastes generated by the iron and steel industry. The petitioners have argued that EPA's supporting documents for this listing, as well as the listing description itself, support such a narrow interpretation. The Agency, on the other hand, has interpreted the listing more broadly to apply to all persons who generate spent acid from the pickling of steel. This notice requests comment on this matter and seeks comment on possible resolution of these issues.

## I. Background

### A. Agency Actions Regarding Spent Pickle Liquor from Steel Finishing Operations

On December 18, 1978, EPA proposed to list as hazardous wastes certain industrial process wastes, including "spent pickle liquor from steel finishing operations generated by establishments in Standard Industrial Classification (SIC) code 3312" (see FR 43, 58946).<sup>2</sup> EPA proposed to list spent pickle liquor because it is corrosive and because it typically contains high levels of chromium and lead.

On May 19, 1980, when EPA promulgated the first phase of the hazardous waste regulations under Subtitle C of RCRA, we included in the interim final list of hazardous waste both spent pickle liquor from steel finishing operations (EPA Hazardous Waste No. K062) and sludge from lime treatment of spent pickle liquor from steel finishing operations (EPA Hazardous Waste No. K063).<sup>3</sup> The Agency again listed these waste as hazardous because of their chromium and lead content; corrosivity also was included as a basis for listing the spent pickle liquor. However, we no longer referred to the listings as applying solely to SIC code 3312.

On November 12, 1980, the Agency finalized its list of hazardous waste, including spent pickle liquor from steel finishing operations; however, we deleted lime stabilized waste pickle liquor sludge (LSWPLS) from steel finishing operations from the list of hazardous waste and instead relied on the provisions in 40 CFR 261.3(c)(2) to retain regulatory control of these

treatment sludges.<sup>4</sup> The Agency, however, indicated that it would consider an industry-wide rulemaking petition to exclude these sludges from RCRA control if representative data were submitted which demonstrated that these wastes are non-hazardous.<sup>5</sup> See 45 FR 74888.

On March 16, 1981, the American Iron and Steel Institute (AISI) submitted a rulemaking petition requesting an industry-wide exclusion of LSWPLS generated by the iron and steel industry. In response to this petition, the Agency considered data submitted by AISI and additional data from site-specific delisting petitions from the iron and steel industry. Site-specific delisting petitions for LSWPLS generated by industries other than iron and steel have also been submitted to the Agency. We decided, however, to limit our evaluation of the request for an industry-wide exclusion to iron and steel because of the petition dealt only with iron and steel wastes. In addition, EPA was concerned that agents such as organics which interfere with effective treatment could be present in LSWPLS from non-iron and steel facilities as a result of commingling spent pickle liquor with other process waste. (See Notice of Availability of Data, 49 FR 427, January 4, 1984, for further details.)

Thus, on January 4, 1984, the Agency published in the Federal Register a list of the available data contained in the administrative record for Agency action on the AISI rulemaking petition. EPA noted specifically that the existing listing applied to industries other than iron and steel, and that the Agency was contemplating action only with regard to LSWPLS generated by the iron and steel industry. See 49 FR at 429. This was because steel finishing is practiced by a diverse group of industry categories, as evidenced by data from the RCRA notification data base,<sup>6</sup> and that adequate treatment of the spent pickle liquor could not be assured in these other industry categories. In particular, we stated that in making a decision whether to exclude LSWPLS we would

<sup>1</sup>The provisions in 40 CFR 261.3(c)(2)(i) indicate that wastes derived from the treatment of a listed hazardous waste are considered hazardous unless and until delisted pursuant to 40 CFR 260.20 and 260.22.

<sup>2</sup>Data from delisting petitions indicate that organic-containing waste may interfere with the lime treatment process and result in ineffective lime stabilization.

<sup>3</sup>Data from the RCRA Hazardous Waste Data Management System indicate that facilities from industrial classes such as Industrial Organic Chemicals (SIC 286), Paints, Varnishes, Lacquers, Enamels (SIC 285), Adhesives, Sealants, Printing Ink, Other (SIC 289) generate LSWPLS.

<sup>4</sup>Spent pickle liquor is a strongly acidic solution generated from an industrial process which removes oxide scale from steel surfaces.

<sup>5</sup>SIC code 3312 includes facilities engaged in the manufacture of steel and steel parts from pig iron, iron ore, or scrap iron.

<sup>6</sup>The sludge is generated by a well known technique involving lime neutralization, flocculation, clarification, and dewatering of the resultant sludge.

only consider those industries where data demonstrate that the treatment process is controlled so that lime treatment is effective, and where the Agency has assurances that other toxic constituents were not present in LSWPLS at levels of regulatory concern as a result of commingling of spent pickle liquor with other waste before treatment. See 49 FR at 429.

After careful review of the available data, the Agency concluded that lime treatment of spent pickle liquor generated by plants within the iron and steel industry is effective, and that LSWPLS generated by this process is frequently and typically non-hazardous. Therefore, on June 5, 1984, the Agency promulgated a final rule to exclude "LSWPLS generated by the iron and steel industry (SIC Codes 331 and 332)" from the presumption of hazardousness contained in the regulations. At the same time, the Agency stated that it will continue to process site-specific delisting petitions from industries other than iron and steel. (See Final Rule, 49 FR 23284, June 5, 1984.) EPA did not receive any public comments to the Notice of Data Availability questioning the Agency's statement that the listing applies to wastes other than those generated by the iron and steel industry.

On July 27, 1984, in an interpretive memorandum from John Skinner, Director of the Office of Solid Waste, to EPA Regional Waste Management Division Directors, EPA headquarters provided clarification on several questions and issues pertaining to the K062 listing. The Agency again stated that the spent pickle liquor listing applies to all persons engaged in steel finishing who generate spent pickle liquor, and is not limited to the iron and steel industry.

#### *B. Industry Concerns With the Agency's Interpretation of the Spent Pickle Liquor Listing*

On February 6, 1985, a rulemaking petition was submitted to EPA on behalf of the Hobart Corporation, Magic Chef, Inc., the Maytag Co., and State Industries pursuant to the provisions of 40 CFR 260.20. The four companies requested that EPA amend its existing regulations and limit the scope of the spent pickle liquor listing to those companies within the iron and steel industry, specifically, SIC code 3312. The petitioners argue that the plain language of the listing indicates that it applies only to the iron and steel industry. The basis for their claim is that spent pickle liquor is listed as a process-specific waste in 40 CFR 261.32—Waste From Specific Sources under the sub-heading "Iron and Steel"; therefore they

interpreted the listing to cover only facilities within the iron and steel industry. If the Agency intended the listing to cover a cross-section of industries, the petitioners believe the Agency should have listed these wastes under the generic category in 40 CFR 261.31—Waste From *Non-Specific* Sources. They view EPA's original 1978 proposal where the Agency proposed to list spent pickle liquor generated specifically from the iron and steel industry (SIC code 3312) as corroborating this reading. The petitioners also pointed out that EPA's background document to the listing supports the narrower interpretation since it also addresses only spent acid and LSWPLS generated from the iron and steel industry.

Furthermore, various program offices of EPA itself have interpreted the listing to apply only to iron and steel industry waste. Thus, in promulgating effluent limitation guidelines for the porcelain enameling industry, the Agency concluded that wastewater treatment sludges from this industry subcategory are expected to be non-hazardous under RCRA, and thus were not considered to be listed hazardous wastes (see EPA, Development Document for Effluent Guidelines and Standards for Porcelain Enameling Point Source Category, EPA 440/1-82/072, November 1982).

In addition, several States and EPA Regional Offices have interpreted the listing as covering only the iron and steel industry (see discussion in Section II. of today's notice). The petitioners state that they have acted in reliance on their understanding that spent pickle liquor from their facilities was not covered by the K062 listing, so that substantial amounts of lime treated sludge from the treatment of the spent acid have been disposed of as non-hazardous waste (since these treated sludges do not exhibit any of the characteristics of hazardous waste).

The Porcelain Enamel Institute (PEI), the trade association for the porcelain enamel industry, also opposed EPA's interpretation of the listing. Many of the points outlined by the petitioners were also made by PEI in several meetings and correspondence with EPA (see references 1 and 2).<sup>7</sup>

#### **II. Reason for Today's Notice**

The Agency acknowledges that although EPA headquarters has

consistently interpreted the K062 listing as applying to all industry categories that engage in steel finishing and generate spent pickle liquor or LSWPLS, one EPA Regional office and some States have implemented the narrower interpretation of the listing.<sup>8</sup> Thus, the Agency is today making available to the public both the EPA and industry positions on the scope of the listing. The industry position has already been summarized in Section I.B. of today's notice. Also see rulemaking petition dated February 6, 1985, and letters from PEI dated March 27, 1984, and August 13, 1984, in the RCRA docket.

The Agency's position is as follows: EPA believes the rule can be understood to apply to more than iron and steel plants because it applies to spent pickle liquor "from steel finishing operations." Thus, persons engaging in steel finishing operations are within the scope of the rule if they generate this waste. In corroboration, many persons who generate spent pickle liquor apparently read the scope of the listing to include industries other than iron and steel. EPA received large numbers of Section 3010 notifications from a diverse group of industry categories who notified EPA that they generate or manage K062 or LSWPLS. For example, approximately one half of the facilities within the porcelain industry have notified that they generate either K062 or LSWPLS.

The Agency also has received and evaluated numerous site-specific petitions to delist K062 or LSWPLS from facilities other than iron and steel. Approximately 35 percent of petitions to delist K062 and LSWPLS were submitted by industries other than iron and steel. For example, petitions have been submitted by facilities engaged in laminating; aircraft parts, fence, and hanger manufacturing; and production of alloys. (These petitions are available in the Administrative Record for the AISI rulemaking. The record is available for public inspection in the RCRA docket.) To date, the Agency has granted temporary exclusions for these wastes to two facilities engaged in porcelain enameling<sup>9</sup> and at least 10 facilities from other non-iron and steel industries.

In the January 4, 1984 notice regarding the AISI rulemaking petition, the Agency clearly stated that a diverse group of industries are engaged in the pickling of steel and generate spent pickle liquor.

<sup>7</sup> PEI has filed a lawsuit challenging the Agency's regulation insofar as it pertains to the porcelain enameling industry. *Porcelain Enamel Institute v. EPA*, No. 84-1452 (D.C. Cir. 1984). This case is in abeyance pending EPA's action on the rulemaking petition.

<sup>8</sup> At least one EPA Regional office has interpreted the listing as including only facilities within the iron and steel industry category.

<sup>9</sup> One of the facilities granted a temporary exclusion was the Maytag Corp., Newton, Iowa, one of the rulemaking petitioners.

The Agency indicated that the AISI petition applied only to the iron and steel industry; hence, LSWPLS generated by other industries were still considered hazardous. The Agency outlined its concerns with spent pickle liquor generated from facilities other than iron and steel and requested comments. No comments were received on the Agency's position.

In light of the significant numbers of notifications and site-specific delisting petitions for K062 and LSWPLS, and consistent lack of industry response to Agency requests for comments on actions pertaining to the listing, the Agency believes that industry generally understood the listing to apply to non-iron and steel facilities.

### III. Agency Alternatives and Options

The Agency recognizes several possible approaches to resolve the issues raised in today's notice. First, the Agency could maintain its position that the listing applies to all companies engaged in steel finishing operations. We have set out in this preamble the basis for this belief, and the Agency specifically solicits comment on these points.

Second, the Agency could modify the listing so that it applies only to K062 wastes generated by the iron and steel industry. The Agency may consider this option if it receives data indicating that LSWPLS from these other industries are not, in fact, hazardous.

Third, the Agency could grant the relief requested in this petition and agree that the original listing only applied to K062 wastes generated by the iron and steel industry. Commenters

who favor this approach should explain why they would interpret the original rules in this manner, and why so many non-iron and steel companies appear to have interpreted the listing as applying to them.

Finally, the Agency could determine that the K062 listing as written does not cover industries other than iron and steel production, but that LSWPLS from these other industries should be considered to be hazardous. We are soliciting data as to presence of hazardous constituents in these wastes (see Section IV below). Should these and other pertinent data appear to indicate that the wastes are hazardous, and if EPA determines that the listing as written does not cover these sludges, EPA could list the wastes as hazardous. The Agency would notice any relevant data for comment before taking final action.

The Agency is requesting comments on the issues raised in today's notice (see Request for Comments and Data). Once the Agency has reviewed all data and comments, the Agency will determine what specific action will be taken.

### IV. Request for Comments and Data

The Agency is today requesting comments on how the listing is interpreted by the public and the regulated community. In addition, we solicit comments from States on how they have interpreted the listing. We are particularly interested in comments from persons who have notified that they either generate or manage K062 or LSWPLS. If any of these notifications were filed for protective reasons, we are

requesting comments on whether they have changed the hazardous waste code for these wastes since the original notification.

We are also requesting comments from persons who have interpreted the rules as not covering spent pickle liquor and LSWPLS from non-iron and steel industries and data supporting industry claims that spent pickle liquor and LSWPLS generated from facilities other than iron and steel are non-hazardous, or indicating whether or not the wastes are hazardous. These data should address the constituents hexavalent chromium, lead, and any toxicants in Appendix VIII to Part 261 of the hazardous waste regulations, including organics, that may reasonably be expected to be present in the waste at concentrations that could make the waste hazardous.

### V. Regulatory Impact

Under Executive Order 12291, EPA must judge whether a proposed or final rule is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This proposed rule requests comments and data only, therefore, it is not a major rule.

This proposed rule was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

### List of Subjects in 40 CFR Part 261

Hazardous wastes, Recycling.

Dated: August 27, 1985.

Lee M. Thomas,  
Administrator.

[FR Doc. 85-21546 Filed 9-9-85; 8:45 am]

BILLING CODE 5560-50-M

10 SEP 1985

James H. Russell  
Baker & Hostetler  
3200 National City Center  
Cleveland, OH 44114

RE: The Jones Metal Products Co.  
Docket No. V-W-85-R-21

Dear Jim:

I am enclosing for your review an original and copy of a Consent Agreement and Final Order (CAFO) that can serve to resolve this entire matter. This CAFO seeks to incorporate the information contained in your August 27, 1985 letter to me, and the enclosure from Burgess & Niple, Limited. When you have had a chance to review this CAFO, please contact me at (312) 886-4247.

Very truly yours,

Roger Grimes  
Assistant Regional Counsel

Enclosure

bcc: Paul Dimock

cc *MARYLYN ZUMBLO*

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION V

IN THE MATTER OF:

THE JONES METAL PRODUCTS COMPANY  
305 NORTH CENTER STREET  
WEST LAFAYETTE, OHIO 43845

EPA I.D. No.: OHD 004 280 897

)  
) DOCKET No.: V-W-85-R-21

)  
) CONSENT AGREEMENT AND  
) FINAL ORDER  
)

On May 21, 1985, a Complaint was filed in this matter pursuant to Section 3008 of the Resource Conservation and Recovery Act, as amended, (RCRA), 42 U.S.C. §6928, and the United States Environmental Protection Agency's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 CFR Part 22. The Complainant is the Director of the Waste Management Division, Region V, United States Environmental Protection Agency (U.S. EPA). The Respondent is the Jones Metal Products Company.

The Parties to this action being desirous to settle this action enter into the following stipulations:

1. Respondent has been served with a copy of the Complaint and Findings of Violation and Order (Docket No. V-W-85-R-21) in this matter.
2. The Regional Administrator has jurisdiction over this matter pursuant to Section 3008 of RCRA, 42 U.S.C. §6928.
3. Respondent owns and operates a facility located at 305 North Center Street, West Lafayette, Ohio 43845.
4. Respondent neither admits nor denies the specific factual allegations contained in the Complaint filed herein.

5. Respondent explicitly waives its right to request a hearing regarding the allegations of the Complaint filed herein.
6. Respondent consents to the issuance of the Order hereinafter recited, and hereby consents to the payment of a civil penalty in the amount hereinafter stipulated.

ORDER

Based on the foregoing stipulations, the parties agree to the entry of this Consent Agreement and Final Order in this matter:

A. Respondent shall immediately upon entry of this Consent Agreement and Final Order and its receipt by Respondent, cease all treatment, storage or disposal of any hazardous waste unless such treatment, storage or disposal at Respondent's facility shall be in complete compliance with the Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities, Ohio Administrative Code 3745-65 through 69, except as provided for in Paragraphs B through D below.

B. Respondent shall, within thirty (30) days of entry of this Consent Agreement and Final Order, and its receipt by Respondent, achieve compliance with the following requirements:

1. Make a hazardous waste determination for all wastes generated at the facility pursuant to Ohio Administrative Code 3745-52-11.
2. Install "Danger - Unauthorized Personnel Keep Out" signs pursuant to Ohio Administrative Code 3745-65-14.
3. Develop and follow a written inspection schedule which meets the requirements of Ohio Administrative Code 3745-65-15, 3745-66-74, and 3745-67-26.



4. Designate for the facility with an emergency coordinator as required by Ohio Administrative Code 3745-65-55.
  5. Prepare and submit a biennial report as required by Ohio Administrative Code 3745-65-75.
  6. Prepare and maintain a written operating record as required by Ohio Administrative Code 3745-65-73.
  7. Establish financial assurance for closure as required by Ohio Administrative Code 3745-66-43.
  8. Properly manage containers as required by Ohio Administrative Code 3745-66-73.
  9. Submit a completed Part A of the permit application for the storage of hazardous waste in drums and in surface impoundments as required by 40 CFR 270.10.
- C. Respondent shall within sixty (60) days of entry of this Consent Agreement and Final Order, and its receipt by Respondent, achieve compliance with the following requirements:
1. Perform and submit a detailed chemical and physical analysis of all hazardous waste stored and treated at the facility pursuant to Ohio Administrative Code 3745-65-13.
  2. Prepare and submit a contingency plan that is consistent with the requirements for such plans contained in Ohio Administrative Code 3745-65-52, provide copies of the plan to state and local emergency response organizations in accordance with Ohio Administrative Code 3745-65-53, and maintain the plan as required by Ohio Administrative Code 3745-65-54.

3. Develop a personnel training program, provide personnel training, maintain written job descriptions and maintain training records as required by Ohio Administrative Code 3745-65-16.
4. Develop and submit a ground water monitoring program pursuant to Ohio Administrative Code 3745-65-90; a schedule for the installation and operation of a ground water monitoring system consistent with the requirements of Ohio Administrative Code 3745-65-91; a schedule implementing an adequate ground water sampling and analysis plan pursuant to Ohio Administrative Code 3745-65-92; the submittal of an outline of a groundwater quality assessment program; and a schedule for complying with the recordkeeping and reporting requirements of Ohio Administrative Code 3745-65-94. Upon approval of the ground water monitoring program by U.S. EPA and OEPA, Respondent shall immediately initiate and complete the activities in the program in accordance with the schedule contained therein.
5. Prepare and submit a closure plan that is consistent with the requirements for such a plan contained in Ohio Administrative Code 3745-66-12. This plan shall include but not be limited to a sampling plan to identify the extent of groundwater or soil contamination at the facility, if any, the method of treatment and/or removal and final disposal of all liquids in the two surface impoundments including any contaminated groundwater, and the method of removal and proper disposal of all accumulated sludges in the two surface impoundments including any contaminated soil.

U.S. EPA and OEPA will approve, disapprove or modify the plan.

Respondent shall perform all closure activities detailed in the

closure plan as finally approved, in accordance with the schedule contained therein.

D. On or before August 31, 1987, Respondent shall certify in writing to U.S. EPA and OEPA that the facility has been closed in accordance with the specifications in the approved closure plan. Respondent shall also submit, or cause to have submitted to U.S. EPA and OEPA, written certification of the same from the independent registered professional engineer that observed the closure activities.

E. Within fifteen (15) business days after completion of each requirement identified above, Respondent shall notify U.S. EPA in writing upon achieving compliance with this Order and any part thereof. This notification shall be submitted no later than the times stipulated above to Mr. Paul Dimock, U.S. EPA, Region V, Waste Management Division, 230 South Dearborn Street, Chicago, Illinois 60604, Attention: RCRA Enforcement Section. A copy of these documents shall also be submitted to Paula Cotter, Division of Solid and Hazardous Waste Management, Ohio Environmental Protection Agency, 361 East Broad Street, Columbus, Ohio 43216.

F. Respondent shall pay a civil penalty in the amount of SEVENTY-NINE THOUSAND TWO HUNDRED DOLLARS (\$79,200), payable to the Treasurer of the United States within thirty (30) days of entry of this Consent Agreement and Final Order and its receipt by the Respondent. Said payment shall be mailed to the Regional Hearing Clerk, U.S. EPA, Region V, P.O. Box 70753, Chicago, Illinois 60673. Copies of the transmittal of the payment should also be sent to both the Regional Hearing Clerk, Management Division and the Solid Waste and Emergency Response Branch Secretary, Office of Regional Counsel, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604. Failure to comply with any

requirement of the Order shall subject Respondent to liability for a civil penalty of up TWENTY-FIVE THOUSAND DOLLARS (\$25,000) for each day of continued non-compliance with the deadlines in this Order. U.S. EPA is authorized to assess such penalties pursuant to RCRA Section 3008(a)(3).

Notwithstanding any other provision of the Order, an enforcement action may be brought pursuant to Section 7003 of RCRA or other statutory authority should the U.S. EPA determine that the handling of solid waste or hazardous waste at the facility present an imminent and substantial endangerment to human health or the environment.

The above Consent Agreement and Final Order consisting of 6 pages is hereby consented to by both of the parties to this proceeding.

Agreed this \_\_\_\_\_ day of \_\_\_\_\_, 1985.

The Jones Metal Company, Respondent

By \_\_\_\_\_

Agreed this \_\_\_\_\_ day of \_\_\_\_\_, 1985.

\_\_\_\_\_  
Basil G. Constantelos, Director  
Waste Management Division  
U.S. Environmental Protection Agency  
Region V, Complainant

The above being agreed and consented to, it is so ORDERED  
this \_\_\_\_\_ day of \_\_\_\_\_, 1985.

\_\_\_\_\_  
Valdas V. Adamkus  
Regional Administrator  
U.S. Environmental Protection Agency

# BAKER & HOSTETLER

COUNSELLORS AT LAW

IN WASHINGTON, D. C.  
1050 CONNECTICUT AVE., N.W.  
WASHINGTON, D. C. 20036  
(202) 861-1500

IN COLUMBUS, OHIO  
65 E. STATE STREET  
COLUMBUS, OHIO 43215  
(614) 228-1541

3200 NATIONAL CITY CENTER  
CLEVELAND, OHIO 44114

(216) 621-0200  
TWX 810 421-8375  
TELECOPIER: (216) 696-0740

IN ORLANDO, FLORIDA  
13TH FLOOR BARNETT PLAZA  
ORLANDO, FLORIDA 32801  
(305) 841-1111

IN DENVER, COLORADO  
303 E. 17TH AVENUE  
DENVER, COLORADO 80203  
(303) 861-0600

August 27, 1985

DIRECT DIAL NUMBER

(216) 861-7356

Roger M. Grimes  
Enforcement Attorney  
U.S. Environmental Protection Agency  
Region V  
230 South Dearborn Street  
Chicago, IL 60604

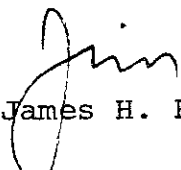
Re: The Jones Metal Products Company  
Complaint and Findings of Violation and Order  
Docket No. V-W-85R-21

Dear Roger:

Enclosed as promised is our proposed timetable for the commitments we made when we met with you and Paul Dimock on August 12. We believe this information should be sufficient for you to incorporate into a draft consent order, as we discussed.

Please call if you have any questions. I haven't forgotten that we left some hardware with you, and will call you about it the next time I'm in the Loop.

Sincerely,

  
James H. Russell

0488:2508  
Enclosure

cc: Edmund S. Bell, Jr.  
Jim Edwards

# Burgess & Niple, Limited

## Engineers and Architects

5085 Reed Road • Columbus, OH 43220 • (614) 459-2050



August 21, 1985

Mr. Edmund S. Bell, Jr.  
Vice President of Engineering  
Jones Metal Products Company  
305 North Center Street  
West Lafayette, OH 43845

Re: Proposed Compliance Schedule for  
Wastewater Treatment Improvements

Dear Ed:

With reference to our meeting with the U.S. Environmental Protection Agency (U.S. EPA) of August 12, 1985, we believe that the following milestones represent a reasonable schedule for closing the existing lagoons and constructing a wastewater pretreatment facility. The dates, as shown, are based on allowances for the Ohio Environmental Protection Agency (Ohio EPA) to complete certain tasks, as required.

The major compliance milestones are as follows:

<u>Event</u>	<u>Date</u>
1. Request Proposed Effluent Limitations from Ohio EPA	August 28, 1985
2. Cease Porcelain Enameling Operations	September 30, 1985
3. Complete Process Engineering for Wastewater Segregation and Treatment	September 30, 1985
4. Develop Preliminary Estimate of Capital Cost for Wastewater Segregation and Treatment Facilities	September 30, 1985
5. Obtain Ohio EPA Waste Load Allocations	October 30, 1985
6. Complete Detail Design of Wastewater Treatment Facilities	December 31, 1985
7. File Permit to Install Application with Ohio EPA	December 1, 1985
8. Request Quotations for Long Delivery Wastewater Treatment Equipment	December 31, 1985
9. Receive Approved Permit to Install from Ohio EPA	February 15, 1986
10. Place Equipment Orders	February 15, 1986

Burgess & Niple, Limited

August 21, 1985

Page 2

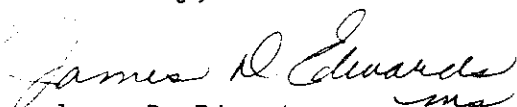
<u>Event</u>	<u>Date</u>
11. Award Construction General Contract	March 15, 1986
12. Divert Roof Water and Surface Runoff from Lagoons	May 15, 1986
13. Submit Construction Progress Report	June 15, 1986
14. Construction Complete	August 15, 1986
15. Start-up and Debug Equipment, Complete	September 15, 1986
16. Achieve Final Compliance	October 1, 1986
17. Begin Lagoon Closure	September 1, 1986
18. Complete Lagoon Closure	November 1, 1986

This schedule is consistent with the method for compliance which we discussed with the U.S. EPA during our meeting. Our intention is to construct a system of wastewater collection pump stations which will transfer boiler blowdown, water softener backwash, parts washer rinses, and rinsewater from the Pickle Line to a wastewater equalization and treatment facility. Effluent from this facility would be discharged to the Tuscarawas River via the 30-inch Village storm sewer. Sludges generated from the wastewater treatment facility would be dewatered and disposed of in a solid waste landfill. Concentrated solutions, either acidic or alkaline from the Pickling and Cleaning Operations, would be hauled off-site for treatment and disposal by an outside firm. The existing lagoons would be closed in place by allowing them to dewater, followed by the addition of the combination of aggregate and lime, followed by an engineered fill using low permeability clay and paving with asphalt. Rainwater from the plant site and roofs would be conducted in a series of new storm sewers to a percolation area where they would percolate into the soils as is the accepted practice in the West Lafayette area.

We have previously submitted to you costs for closing the existing lagoons. We have not prepared an estimate of cost for the wastewater treatment facilities pending receipt of Effluent Water Quality and Limitations from the Ohio EPA. Wastewater treatment facilities could cost in the range of \$150,000 to \$250,000 depending on the cost for constructing the effluent sewer and the cost of wastewater segregation and storm water redirection in the plant. We should begin the preliminary engineering on the treatment plant as soon as possible so that we can tie down the cost for the waste treatment facility and sewers.

If you have any questions, please call.

Sincerely,

  
James D. Edwards

JDE:ms

cc: Mr. James Russell-

14 AUG 1985

MEMORANDUM

SUBJECT: Meeting with Jones Metal Products Company

FROM: Roger Grimes  
Assistant Regional Counsel

TO: The File

On August 12, 1985, the first negotiating session relative to the RCRA Complaint issued to Jones Metal Products Company was held in the Region V offices. In attendance at this meeting were the following:

1. Edmund S. Bell, Jr.	Jones Metal
2. Jim Edwards	Burgess & Niple, Ltd. (Consultant for Jones Metal)
3. Jim Russell	Baker & Hostetler (Counsel for Jones Metal)
4. Paul Nimock	U.S. EPA
5. Roger Grimes	U.S. EPA

Jones Metal Products Company employs about a 125 people in West Lafayette, Ohio. Its primary business is the manufacture of enamel coated lighting fixtures and hospital supplies. The enamel coating production line produces cadmium and selenium wastes which are discharged to one of two lagoons located on the Jones property. The other lagoon receives the liquid wastes from the metal preparation line. The north lagoon which receives wastes from the enamelling line, is estimated to be 25 ft. by 100 ft. and contains approximately 150,000 gallons of liquid. Burgess and Niple have conducted some soundings of the lagoons



and estimate that the north lagoon contains approximately 1500 cubic yards of sludge. The figures for the south lagoon are that it is approximately 130 ft. by 140 ft., contains about 1,000,000 gallons of liquid, and about 1,500 cubic yards of sludge. Wastes going to the south lagoon originate in the metal preparation line.

Jones Metal made a proposal for the resolution of the Complaint. Their basic proposal is that they will discontinue the enameling line at their plant by September 30, 1985. Along with that, the company will conduct a RCRA closure operation of the lagoons. The remaining metal preparation line wastes would be sent to a treatment plant to be constructed on the Jones Metal property and then would be routed to an existing 30 in. storm sewer operated by the village of West Lafayette and then to the Tuscarawas River. The company estimated that the closure for the lagoons would cost approximately \$150,000 to \$170,000 and the new treatment plant for the waste generated in the metal preparation line would be approximately \$150,000. Finally, any waste material from the acid baths which are part of the metal preparation line would be handled separately and would be hauled away by a contractor.

We made the point with the Jones Metal representatives that RCRA closure requires groundwater monitoring and they are willing to discuss that further and undertake some form of groundwater monitoring.

Jim Russell will send a letter confirming the Company's proposal, which we will incorporate into a draft CAMO.

cc: Robert Schaefer  
Mary Gade  
Barbara Magel  
Paul Dimock(WMD)

# BAKER & HOSTETLER

COUNSELLORS AT LAW

3200 NATIONAL CITY CENTER

CLEVELAND, OHIO 44114

(216) 621-0200

TWX 810 421-8375

TELECOPIER: (216) 696-0740

July 18, 1985

IN WASHINGTON, D. C.  
818 CONNECTICUT AVE., N.W.  
WASHINGTON, D. C. 20006  
(202) 861-1500

IN COLUMBUS, OHIO  
65 E. STATE STREET  
COLUMBUS, OHIO 43215  
(614) 225-1541

IN ORLANDO, FLORIDA  
13TH FLOOR BARNETT PLAZA  
ORLANDO, FLORIDA 32801  
(305) 841-1111

IN DENVER, COLORADO  
303 E. 17TH AVENUE  
DENVER, COLORADO 80203  
(303) 861-0600

DIRECT DIAL NUMBER  
(216) 861-7356

Roger Grimes  
Assistant Regional Counsel  
United States Environmental  
Protection Agency  
230 South Dearborn Street  
Chicago, IL 60604

*cc: Dimock*

Re: The Jones Metal Products Company;  
EPA I.D. No. OHD 004 280 897

Dear Roger:

This will confirm our telephone agreement today that Jones will meet with you at the Agency at 1 p.m. on August 12, to try to start the process of resolving this matter. Please call me or Ed Bell directly if you have any questions or changes of schedule. We look forward to seeing you.

Sincerely,

  
James H. Russell

0488:2508

cc: Edmund S. Bell, Jr.  
Jim Edwards  
Edward F. Mulligan

**OhioEPA**

*Paul*

RECEIVED  
JUL 17 1985  
U.S. EPA REGION V  
WASTE MANAGEMENT DIVISION  
HAZARDOUS WASTE ENFORCEMENT BRANCH

July 12, 1985

Jim Brossman  
U.S. EPA, Region V  
230 S. Dearborn St.  
Chicago, Illinois 60604

Dear Mr. Brossman:

U.S. EPA-Region V initiated enforcement action against Jones Metal, a firm in southeastern Ohio. As you may recall, Ohio had considered taking parallel action. However, the State has chosen not to duplicate the Region's work, especially in light of the fact that we were able to provide input into the orders that you issued. We had never made a formal request for you to take action or notified you that we would drop our action. Please consider this letter to retroactively serve both those purposes.

Very truly yours,

*Paula T. Cotter*

Paula T. Cotter  
Surveillance & Enforcement Section  
Division of Solid & Hazardous Waste Management

PTC/maf

cc: Maury Walsh, S&E Section, DSHWM

1006S

# BAKER & HOSTETLER

COUNSELLORS AT LAW

3200 NATIONAL CITY CENTER

CLEVELAND, OHIO 44114

(216) 621-0200

TWX 810 421-8375

TELECOPIER: (216) 696-0740

IN WASHINGTON, D. C.  
1050 CONNECTICUT AVE., N.W.  
WASHINGTON, D. C. 20036  
(202) 661-1500

IN COLUMBUS, OHIO  
65 E. STATE STREET  
COLUMBUS, OHIO 43215  
(614) 228-1541

IN ORLANDO, FLORIDA  
13TH FLOOR BARNETT PLAZA  
ORLANDO, FLORIDA 32801  
(305) 841-1111

IN DENVER, COLORADO  
303 E. 17TH AVENUE  
DENVER, COLORADO 80203  
(303) 861-0600

July 5, 1985

DIRECT DIAL NUMBER  
(216) 861-7356

Roger Grimes  
Assistant Regional Counsel  
U.S. Environmental Protection  
Agency  
Region 5  
230 S. Dearborn Street  
Chicago, IL 60604

Re: The Jones Metal Products Company

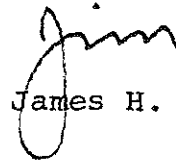
Dear Roger:

Many thanks for your time with me when I was at the Agency with Larry Kyte on July 2. I appreciate your seeing me on such short notice.

As I said then, Jones would like to schedule a Settlement Conference with you as soon as possible. In checking with Jones and with Burgess & Niple, Jones' independent consulting engineers, it appears that the earliest time we could meet with you would be during the week of August 5, due to vacation schedules and the need to carefully prepare our presentation to you. Although we may not have a definitive resolution of this matter finalized when we do get together, I would, as we discussed, at least like to get the technical dialogue started and make some real progress toward resolving this matter on a technical basis.

Would you check with Paul Dimock and see whether you could see us during the week of August 5? I would appreciate hearing from you.

Sincerely,



James H. Russell

0488:2508

cc: Edmund S. Bell, Jr.  
Jim Edwards  
John E. Sullivan



Agency's Complaint to the extent that they may be inconsistent with the provisions of 40 C.F.R. Parts 260 through 265.

3. Jones states that the regulations codified at 40 C.F.R. Parts 270 and 271 speak for themselves. Jones denies the allegations in paragraph 3 of the Agency's Complaint to the extent that they may be inconsistent with the provisions of 40 C.F.R. Parts 270 and 271.

4. Jones states that the provisions of 42 U.S.C. § 6925(e) and the regulations at 40 C.F.R. Part 270 speak for themselves. Jones denies the allegations in paragraph 4 of the Agency's Complaint to the extent that they may be inconsistent with the provisions of 42 U.S.C. § 6925(e) and 40 C.F.R. Part 270.

5. Jones admits the allegations contained in the first sentence of paragraph 5 of the Agency's Complaint, and denies the remaining allegations in paragraph 5.

6. Jones admits that it filed a notification pursuant to 42 U.S.C. § 6930 on August 18, 1980. Jones denies that it was required to submit a permit application to treat, store, and dispose of hazardous waste by November 19, 1980, as required by 40 C.F.R. § 270.10(3) and 42 U.S.C. § 6925(e).

7. Jones denies the allegations contained in paragraph 7 of the Agency's Complaint.

8. Jones admits that an inspection of its premises was conducted on May 6, 1982 by the OEPA. Jones is without knowledge or information sufficient to form a belief as to the truth of the allegation in paragraph 8 that the OEPA was an authorized agent of the Agency. Jones states that it, as a porcelain enameler, is not subject to the regulations referenced in parts a through f of paragraph 8 of the Agency's Complaint. Thus, Jones denies the remaining allegations in paragraph 8 of the Agency's Complaint. Jones admits that it was provided a copy of the inspection report by an OEPA letter dated June 2, 1982.

9. Jones admits that the OEPA conducted an inspection of its facility on December 19, 1984. Jones denies the existence of any violations alleged in paragraph 9 of the Agency's Complaint. Jones states that it is not subject to the hazardous waste regulations contained in the Ohio Administrative Code and alleged in paragraph 9 of the Complaint because Jones is a porcelain enameler, not an electroplater, and neither generates, stores, treats, nor disposes a wastewater treatment sludge from an electroplating operation. The wastewater that Jones discharges does not contain any listed or characteristic hazardous waste under chapter 3745-51 of the Ohio Administrative Code.

ANSWER TO ORDER AND CONDITIONS  
FOR CONTINUING OPERATION

1. Jones states that it is not subject to the federal and Ohio hazardous waste statutes and regulations referenced in paragraphs A through E at pages 6 through 9 of the Agency's Complaint, because Jones is a porcelain ename-ler, not an electroplater. The wastewater that Jones discharges from its porcelain enameling operation does not contain wastewater treatment sludge from an electroplating operation. The wastewater does not contain any hazardous waste listed under 40 C.F.R. § 261.30-.33 or Ohio Admin. Code §§ 3745-51-30--33, or any characteristic hazardous waste under 40 C.F.R. §§ 261.20-.24 or Ohio Admin. Code §§ 3745-51-20--24.

ANSWER TO PROPOSED CIVIL PENALTY

Jones denies that it violated the federal and Ohio hazardous waste statutes and regulations referenced in the Agency's Complaint.

DEFENSES

Jones operates a porcelain enameling business. Jones is not an electroplater. The wastewater that it produces as result of its porcelain enameling operations is not a wastewater treatment sludge from an electroplating operation. The wastewater that Jones discharges does not contain listed hazardous waste under 40 C.F.R. § 261.30.-33 or Ohio Admin. Code §§ 3745-51-30--33, or characteristic



hazardous waste under 40 C.F.R. §§ 261.20-.24 or Ohio Admin. Code §§ 3745-51-20--24. Thus, Jones need not comply with the federal and Ohio statutes and regulations referenced in the Agency's Complaint.

REQUEST FOR HEARING

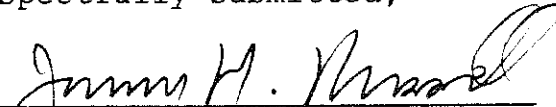
Pursuant to 40 C.F.R. § 22.15(c), Jones requests a hearing on the issues raised by the Complaint and the Answer.

REQUEST FOR SETTLEMENT CONFERENCE

Pursuant to 40 C.F.R. § 22.18(a), Jones requests a settlement conference to pursue the possibility of settlement.

WHEREFORE, Respondent Jones Metal Products Company prays that the Agency's Complaint, Findings of Violation, Conditions for Continuing Operation, and Order be dismissed after hearing and that no civil penalty be assessed against Jones.

Respectfully submitted,

  
James H. Russell  
John E. Sullivan  
BAKER & HOSTETLER  
3200 National City Center  
Cleveland, Ohio 44114  
(216) 621-0200

Respondent's Address:

Jones Metal Products Company  
305 North Center Street  
West Lafayette, Ohio 43845

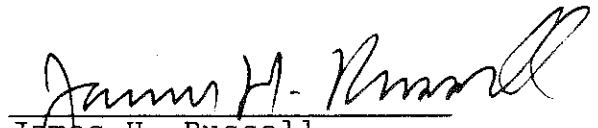
CERTIFICATE OF FILING

I hereby certify that on the \_\_\_ day of June, 1985,  
true and correct copies of the foregoing Answer were placed  
in the United States mail, proper postage prepaid, addressed  
as follows:

Regional Hearing Clerk  
U.S. EPA, Region V  
230 South Dearborn Street  
Chicago, Illinois 60604

and

Roger Grimes  
Assistant Regional Counsel  
U.S. EPA, Region V  
230 South Dearborn Street  
Chicago, Illinois 60604

  
James H. Russell  
John E. Sullivan  
BAKER & HOSTETLER  
3200 National City Center  
Cleveland, Ohio 44114  
(216) 621-0200



UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION V  
230 SOUTH DEARBORN ST.  
CHICAGO, ILLINOIS 60604

REPLY TO ATTENTION OF:

5HE-12JCK

MAY 22 1985

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

D.E. Donovan  
Registered Agent for  
The Jones Metal Products Company  
1918 Hillcrest Drive  
Coshocton, Ohio 43812

Re: Findings of Violation and  
Compliance Order  
The Jones Metal Products Company  
EPA I.D. No: OHD 004 280 897

Dear Mr. Donovan:

Enclosed please find a Compliance Order which specifies this Agency's determination of certain violations by The Jones Metal Products Company of the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. §6901 et seq., based on inspections of the facility located at 305 North Center Street, West Lafayette, Ohio 43845.

The Compliance Order states the reason for such a determination, establishes a compliance schedule and assesses civil penalties for the violations as set forth in the Compliance Order. This Compliance Order is issued pursuant to Section 3008 of RCRA, 42 U.S.C. §6928.

Accompanying the Compliance Order is a Notice of Opportunity for Hearing and a copy of the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits." I recommend that the enclosed Compliance Order and Rules of Practice in 40 CFR Part 22 be carefully read and analyzed to determine the alternatives available in responding to the Order. A written request for a hearing is required to be filed with the Regional Hearing Clerk within 30 days of receipt of this Compliance Order. A copy of your hearing request should be sent to Mr. Roger Grimes, Assistant Regional Counsel, 230 South Dearborn Street, Chicago, Illinois 60604.

Regardless of whether you choose to request a hearing within the prescribed time limit following service of the Compliance Order, you are extended an opportunity to request an informal settlement conference.

If you have any questions or desire to request an informal conference for the purpose of settlement with Waste Management Division Staff, please contact Mr. Paul Dimock, Hazardous Waste Enforcement Branch, RCRA Enforcement Section, 230 South Dearborn Street, 12th Floor, Chicago, Illinois 60604. His phone number is (312) 886-4436.

Sincerely,

A handwritten signature in cursive script, appearing to read "Basil G. Constantelos".

Basil G. Constantelos, Director  
Waste Management Division

Enclosure

cc: Edmund Bell,  
Vice President Engineering  
The Jones Metal Products Company  
305 North Center Street  
West Lafayette, Ohio 43845

Richard Shank, OEPA  
Division of Solid & Hazardous Waste Management

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION V

IN THE MATTER OF: )

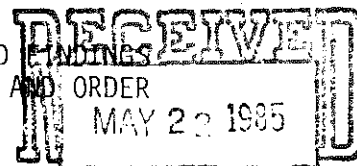
THE JONES METAL PRODUCTS COMPANY )  
305 NORTH CENTER STREET )  
WEST LAFAYETTE, OHIO 43845 )

EPA I.D. NO.: OHD 004 280 897 )

DOCKET NO.

V-W- 85 R-21

COMPLAINT AND ORDER  
OF VIOLATION AND ORDER



REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY

This Complaint is filed pursuant to Section 3008 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §6928, and is equivalent to a Compliance Order referred to in that Section. The Complainant is the Director, Waste Management Division, Region V, United States Environmental Protection Agency (U.S. EPA). The Respondent is The Jones Metal Products Company, 305 North Center Street, West Lafayette, Ohio 43845.

This Complaint is based on information available to U.S. EPA including compliance inspections conducted by the Ohio Environmental Protection Agency (OEPA) on May 6, 1982, and December 26, 1984. At the time of the inspections, violations of applicable Federal and State statutes and regulations were identified.

On July 15, 1983, the State of Ohio received Phase I interim authorization pursuant to Section 3005 of RCRA (42 U.S.C. §6925). This authorization allows the State and U.S. EPA to enforce those portions of Ohio statutes and regulations where applicable in lieu of Federal statutes. U.S. EPA has retained authority in those areas where state authorization has not been delegated. Accordingly, this Compliance Order enforces both Federal and State regulations as applicable.

Pursuant to 42 U.S.C. §6928(a) and based on information cited above, it has been determined that The Jones Metal Products Company has violated Subtitle C of RCRA, Sections 3002, 3004 and 3005, 42 U.S.C. §§6922, 6924 and 6925

respectively, and 40 CFR 262.11, 262.41, 265.16, 265.52, 265.53, 265.55, and 270.10(e), and Ohio Administrative Code regulations found at OAC 3745-52-11, 3745-65-13, 14, 15, 16, 52, 53, 55, 73, 75, 91, 92, 93, 94, 3745-66-12, 43, 74, 3745-67-26, 3745-68-75 and 77.

#### FINDINGS

1. Section 3010 of RCRA (42 U.S.C. §6930) requires any person who generates or transports hazardous waste or owns or operates a facility for the treatment, storage or disposal of hazardous waste to notify U.S. EPA of such activity within 90 days of the promulgation of regulations under Section 3001 of RCRA. Section 3010 of RCRA also provides that no hazardous waste subject to regulations may be transported, treated, stored or disposed of unless the required notification has been given.

2. U.S. EPA published regulations concerning the generation, transportation, treatment, storage or disposal of hazardous waste on May 19, 1980. These regulations are codified at 40 CFR Parts 260 through 265. Notification to U.S. EPA of hazardous waste handling was required in most instances no later than August 18, 1980.

3. Section 3005 of RCRA requires U.S. EPA to publish regulations requiring each person owning or operating a hazardous waste treatment, storage or disposal facility to obtain a RCRA permit. Such regulations were published on May 19, 1980, and are codified at 40 CFR Parts 270 and 271 (formerly Parts 122 and 123). The regulations require that persons who treat, store or dispose of hazardous waste submit Part A of the permit application, in most instances, no later than November 19, 1980.

4. Section 3005(e) of RCRA provides that an owner or operator of a facility

shall be treated as having been issued a permit pending final administrative disposition of the permit application provided that: (1) the facility was in existence on November 19, 1980; (2) the requirements of Section 3010(a) of RCRA concerning notification of hazardous waste activity have been complied with; and (3) application for a permit has been made. This statutory authority to operate is known as interim status. U.S. EPA regulations implementing these provisions are found at 40 CFR Part 270.

5. The Respondent owns and operates a facility at 305 North Center Street, West Lafayette, Ohio. The Respondent is a Ohio corporation, whose registered agent is D.E. Donovan, 1918 Hillcrest Drive, Coshocton, Ohio 43812.

6. Respondent filed a notification pursuant to Section 3010 of RCRA on August 18, 1980. Respondent failed to submit Part A of their permit application to treat, store and dispose of hazardous waste by November 19, 1980, as required by 40 CFR 270.10(3) and Section 3005 of RCRA thereby failing to qualify for interim status.

7. The Respondent generates and stores wastewater treatment sludges from electroplating operations and waste that is EP toxic for cadmium. These wastes have been identified and listed as hazardous wastes under Section 3001 of the Act and 40 CFR Part 261, Subparts C and D (hazardous waste codes D006 and F006).

8. On May 6, 1982, OEPA, as an authorized agent of U.S. EPA, conducted a RCRA Inspection of Respondent's facility and observed the following violations:

- a. Failure to make a hazardous waste determination for all wastes generated as required by 40 CFR 262.11.
- b. Failure to submit a biennial report for hazardous waste stored on site as required by 40 CFR 262.41.

- c. Failure to have a personnel training program, provide personnel training, maintain written job descriptions, and maintain training records as required by 40 CFR 265.16.
- d. Failure to have a contingency plan and failure to submit copies of the plan to local emergency service organizations as required by 40 CFR 265.52 and 265.53.
- e. Failure to identify an emergency coordinator as required by 40 CFR 265.55.
- f. Failure to submit Part A of its permit application for storage of hazardous waste in a surface impoundment as required by 40 CFR 270.10(e).

Respondent was provided a copy of the inspection report by an OEPA letter dated June 2, 1982.

9. On December 19, 1984, OEPA conducted an inspection of Respondent's facility and observed the following violations:

- a. Failure to make a hazardous waste determination for all wastes generated as required by Ohio Administrative Code 3745-52-11.
- b. Failure to have a personnel training program, provide personnel training, maintain written job descriptions, and maintain training records as required by Ohio Administrative Code 3745-65-16.
- c. Failure to perform a detailed waste analysis before treating or storing hazardous waste as required by Ohio Administrative Code 3745-65-13.
- d. Failure to post "Danger-Unauthorized Personnel Keep Out" signs as required by Ohio Administrative Code 3745-65-14.
- e. Failure to develop and follow a written inspection schedule as required by Ohio Administrative Code 3745-65-15.



- f. Failure to have a contingency plan and submit copies of the plan to local emergency service organizations as required by Ohio Administrative Code 3745-65-52 and 53.
- g. Failure to identify an emergency coordinator as required by Ohio Administrative Code 3745-65-55.
- h. Failure to have a written operating record as required by Ohio Administrative Code 3745-65-73.
- i. Failure to prepare and submit a biennial report as required by Ohio Administrative Code 3745-65-75.
- j. Failure to install a groundwater monitoring system, perform sampling and analysis, and submit reports and maintain records as required by Ohio Administrative Code 3745-65-91, 92, 93 and 94.
- k. Failure to have a written closure plan as required by Ohio Administrative Code 3745-66-12.
- l. Failure to prepare a written cost estimate for closure as required by Ohio Administrative Code 3745-66-42.
- m. Failure to establish financial assurance for closure as required by Ohio Administrative Code 3745-66-43.
- n. Failure to properly manage containers as required by Ohio Administrative Code 3745-66-73.
- o. Failure to inspect the container storage area as required by Ohio Administrative Code 3745-66-74.
- p. Failure to inspect the surface impoundment as required by Ohio Administrative Code 3745-67-26.
- q. Failure to perform waste analysis prior to thermal treatment as required by Ohio Administrative Code 3745-68-75.
- r. Failure to perform monitoring and inspections for thermal treatment as required by Ohio Administrative Code 3745-68-77.

- s. Failure to submit a Part A permit application for storage in containers, storage in a surface impoundment, and thermal treatment of hazardous waste as required by 40 CFR 270.10(e).

Respondent was provided a copy of the December 19, 1984, inspection report by an OEPA letter dated December 26, 1984.

ORDER AND CONDITIONS  
FOR CONTINUING OPERATION

Based upon the above findings, IT IS HEREBY ORDERED that Respondent, The Jones Metal Products Company, achieve compliance with Subtitle C of RCRA, Section 3004 and 3005, 42 U.S.C. §§6924 and 6925, regulation 40 CFR 270.10(e) and Ohio Administrative Code 3745-52-11, 3745-65-13, 14, 15, 16, 52, 53, 73, 75, 91, 92, 93, 94, 3745-66-12, 43, 73, 74, 3745-67-26, 3745-68-75 and 77, by taking the actions set forth below:

A. Respondent shall within thirty (30) days of receipt of this Complaint cease all treatment, storage or disposal of any hazardous waste except such treatment, storage or disposal at the facility as shall be in complete compliance with the Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities, Ohio Administrative Code 3745-65 through 69.

B. Respondent shall within thirty (30) days of receipt of this Order achieve compliance with the following requirements:

1. Make a hazardous waste determination for all wastes generated at the facility pursuant to Ohio Administrative Code 3745-52-11.
2. Install "Danger-Unauthorized Personnel Keep Out" signs pursuant to Ohio Administrative Code 3745-65-14.

3. Develop and follow a written inspection schedule which meets the requirements of Ohio Administrative Code 3745-65-15, 3745-66-74, 3745-67-26 and 3745-68-77.
  4. Provide the facility with an emergency coordinator as required by Ohio Administrative Code 3745-65-55.
  5. Prepare and submit a biennial report as required by Ohio Administrative Code 3745-65-75.
  6. Prepare and maintain a written operating record as required by Ohio Administrative Code 3745-65-73.
  7. Establish financial assurance for closure as required by Ohio Administrative Code 3745-66-43.
  8. Properly manage containers as required by Ohio Administrative Code 3745-66-73.
  9. Submit Part A of the permit application for the storage of hazardous waste in drums and in a surface impoundment and the thermal treatment of hazardous waste in a furnace as required by 40 CFR 270.10.
- C. Respondent shall within sixty (60) days of receipt of this Order achieve compliance with the following requirements:
1. Perform and submit a detailed chemical and physical analysis of all hazardous waste stored and treated at the facility pursuant to Ohio Administrative Code 3745-65-13 and 3745-68-75.
  2. Prepare and submit a contingency plan consistent with the requirements for such plans contained in Ohio Administrative Code 3745-65-52,

provide copies of the plan to state and local emergency response organizations in accordance with Ohio Administrative Code 3745-65-53, and maintain the plan as required by Ohio Administrative Code 3745-65-54.

3. Develop a personnel training program, provide personnel training, maintain written job descriptions and maintain training records as required by Ohio Administrative Code 3745-65-16.
4. Develop and submit a groundwater monitoring program pursuant to Ohio Administrative Code 3745-65-90; a schedule for the installation and operation of a groundwater monitoring system consistent with the requirements of Ohio Administrative Code 3745-65-91; a schedule implementing an adequate groundwater sampling and analysis plan pursuant to Ohio Administrative Code 3745-65-92; the submittal of an outline of a groundwater quality assessment program; and a schedule for complying with the recordkeeping and reporting requirements of Ohio Administrative Code 3745-65-94. Upon approval of the groundwater monitoring program by U.S. EPA and OEPA, Respondent shall immediately initiate and complete the activities in the program in accordance with the schedule contained therein.
5. Prepare and submit a closure plan consistent with the requirements for such a plan contained in Ohio Administrative Code 3745-66-12, and submit a cost estimate for closure as required by Ohio Administrative Code 3745-66-42.

D. Respondent shall notify U.S. EPA in writing upon achieving compliance with this Order and any part thereof. This notification shall be submitted no later than the time stipulated above to the U.S. EPA, Region V, Paul Dimock,

Waste Management Division, 230 South Dearborn Street, Chicago, Illinois 60604,  
Attention: RCRA Enforcement Section.

E. A copy of these documents and all correspondence with U.S. EPA regarding this Order shall also be submitted to Richard Shank, Division of Solid and Hazardous Waste Management, Ohio Environmental Protection Agency, 361 Broad Street, Columbus, Ohio 43216.

Notwithstanding any other provisions of this Order, an enforcement action may be brought pursuant to Section 7003 of RCRA or other statutory authority where the handling, storage, treatment, transportation, or disposal of solid or hazardous waste at this facility may present an imminent and substantial endangerment to human health or the environment.

#### PROPOSED CIVIL PENALTY

In view of the above determinations and in consideration of the seriousness of the violations cited herein, the potential harm to human health and the environment, the continuing nature of the violations, and the ability of the Respondent to pay penalties, the Complainant proposes to assess a civil penalty in the amount of SEVENTY-NINE THOUSAND TWO HUNDRED DOLLARS (\$79,200) against the Respondent, The Jones Metal Products Company, pursuant to Sections 3008(c) and 3008(g) of RCRA (42 U.S.C. §6928).

Failure to comply with any requirements of the Order shall subject the above-named Respondent to liability for a civil penalty of up to TWENTY-FIVE THOUSAND DOLLARS (\$25,000) for each day of continued noncompliance with the deadlines in this Order. U.S. EPA is authorized to assess such penalties pursuant to RCRA Section 3008(a)(3).

NOTICE OF OPPORTUNITY FOR HEARING

Respondent is hereby notified that the above Order shall become final unless Respondent has requested in writing a hearing on the Order no later than 30 days from the date this Order is served. You have the right to request a hearing to contest any factual allegation set forth in the Complaint or the appropriateness of any proposed compliance schedule or penalty. In the event that you wish to request a hearing, and to avoid having the Compliance Order become final without further proceedings, you must file a written answer to this Complaint with the Regional Hearing Clerk, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, within 30 days of your receipt of this Notice. A copy of this answer and any subsequent document filed in this action should also be sent to Roger Grimes, Assistant Regional Counsel, at the same address.

Your answer should clearly and directly admit, deny, or explain each of the factual allegations of which you have knowledge. Said answer should contain (1) a definite statement of the facts which constitute the grounds of defense, and (2) a concise statement of the facts which you intend to place at issue in the hearing. The denial of any material fact or the raising of any affirmative defense shall be construed as a request for a hearing.

The Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 CFR 22 are applicable to this administrative action.

SETTLEMENT CONFERENCE

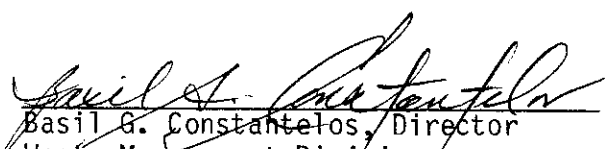
Whether or not you request a hearing, you may confer informally with U.S. EPA concerning (1) whether the alleged violations in fact occurred as set forth above, (2) the appropriateness of the compliance schedule, and (3) the approp-

riateness of any proposed penalty in relation to the size of your business, the gravity of the violations, and the effect of the proposed penalty on your ability to continue in business.

You may request an informal settlement conference at any time by contacting this office. Any such request, however, will not affect the thirty day time limit for responding to this Complaint or requesting a formal hearing on the violations alleged herein.

U.S. EPA encourages all parties to pursue the possibilities of settlement through informal conferences. A request for an informal conference should be made in writing to Mr. Paul Dimock, Waste Management Division, at the address cited above, or by calling him at (312) 886-4436.

Dated this 21<sup>st</sup> day of May, 1985.

  
Basil G. Constantelos, Director  
Waste Management Division  
Complainant  
U.S. Environmental Protection Agency  
Region V

CERTIFICATE OF SERVICE

I hereby certify that I have caused a copy of the foregoing Complaint to be served upon the persons designated below, on the date below, by causing said copies to be deposited in the U.S. Mail, First Class, and certified-return receipt requested, postage prepaid, at Chicago, Illinois in envelopes addressed to:

D.E. Donovan  
Registered Agent for  
The Jones Metal Products Company  
1918 Hillcrest Drive  
Coshocton, Ohio 43812

and

Edmund Bell  
The Jones Metal Products Company  
305 North Center Street  
West Lafayette, Ohio 43845

I have further caused the original of the Complaint and this certificate of service to be served in the Office of the Regional Hearing Clerk located in the Management Division, U.S. EPA, Region V, at 230 South Dearborn Street, Chicago, Illinois 60604 on the date below.

These are said persons' last known addresses to the subscriber.

Dated this 22 day of May, 1985.

  
Hazardous Waste Enforcement Branch  
U.S. EPA, Region V





UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
230 SOUTH DEARBORN ST.  
CHICAGO, ILLINOIS 60604

REPLY TO ATTENTION OF:

DATE: 14 April 1985

SUBJECT: Assignment of ORC Attorney to RCRA AO

FROM: Mary A. Gade, Chief  
Solid Waste & Emergency Response Branch

TO: William Miner, Chief  
Technical, Permitting & Compliance Section

The Office of Regional Counsel has received a draft RCRA Administrative Order for:

Jones Metal Products Co.

West Lafayette, Ohio

This Administrative Order has been assigned to Roger Grimes of my staff.

cc: Paul Dimock  
Roger Grimes  
Barbara Magel

RCRA ENFORCEMENT ACTION SIGN-OFF

PART I. BACKGROUND

FACILITY NAME THE JONES METAL PRODUCTS COMPANY  
 FACILITY LOCATION 305 NORTH CENTER STREET, WEST LAFAYETTE, OHIO  
 RCRA ID NUMBER OHIO 004 280 897  
 NATURE OF VIOLATION FAILURE TO INSTALL GROUND-WATER MONITORING,  
ESTABLISH FINANCIAL ASSURANCES, SUBMIT A PART A PERMIT APPLICATION  
 ANY OTHER OUTSTANDING OR PAST ENFORCEMENT ACTIONS AGAINST THIS FACILITY:

WATER NONE  
 AIR NONE  
 OTHER \_\_\_\_\_

PART II. RECOMMENDATION ISSUE A 3008 RCRA COMPLAINT

PART III. CONCURRENCES ON DRAFT

	INITIALS	DATE	AGREE	DISAGREE
PREPARER	<u>REN</u>	<u>3-26-85</u>	(✓)	( )
CHIEF, RCRA ENF. UNIT	<u>DB</u>	<u>4-8-85</u>	(✓)	( )
CHIEF, RCRA ENF. SECTION	<u>RK for WEM</u>	<u>4-10-85</u>	(✓)	( )
ASSISTANT REGIONAL COUNSEL	<u>Riley</u>	<u>5-6-85</u>	(X)	( )

NAME & DATE OF STATE CONTACT NOTIFIED Paula Lotter / Ed Kitchen  
DEPA, 5-8-85

PART IV. APPROVAL

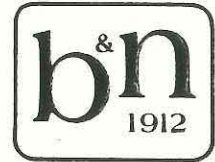
1. PREPARER <u>mn/oh.</u>	<u>REN</u>	<u>5-8-85</u>	(✓)	( )
2. CHIEF, RCRA ENF. UNIT	<u>REN for J.S.B.</u>	<u>5-8-85</u>	(✓)	( )
3. CHIEF, RCRA ENF. SECTION	<u>WEM</u>	<u>5-10-85</u>	(✓)	( )
4. CHIEF, H.W. ENF. BRANCH	<u>WEM</u>	<u>5-10-85</u>	(✓)	( )
5. ASSISTANT REGIONAL COUNSEL	<u>Grimes</u>	<u>5-13-85</u>	(X)	( )
6. CHIEF, S.W. & E.R. SECTION	<u>Dimock</u>	<u>5-13-85</u>	(X)	( )
7. CHIEF, SOLID WASTE & EMER. RESPONSE BRANCH	<u>mb</u>	<u>5/15/85</u>	(X)	( )
8. REGIONAL COUNSEL	<u>AT</u>	<u>5/21/85</u>	(✓)	( )
9. DIRECTOR, WASTE MGT. DIV.	<u>AT</u>	<u>5/21/85</u>	(✓)	( )

NOTE: Attach sign-off sheet to yellow copy of the enforcement action.

# Burgess & Niple, Limited

Engineers and Architects

5085 Reed Road • Columbus, OH 43220 2581 • (614) 459-2050



March 14, 1985

Mr. Ben Pfefferle, Esquire  
Ohio Environmental Protection Agency  
361 East Broad Street  
Columbus, OH 43215

Re: Jones Metal Products Company  
West Lafayette, Ohio

Dear Mr. Pfefferle:

Transmitted herewith is the preliminary design criteria for closing the lagoons at the Jones Metal Products Company at West Lafayette, Ohio. This is in response to the commitments made at our February 12, 1985 meeting and is being submitted on behalf of the Jones Metal Products Company.

Please review this document and if you have any comments or questions, please do not hesitate to contact us. Jones Metal is prepared to proceed with detailed design of the treatment plant and closure of the lagoons.

Very truly yours,

Mark R. Rowland

MRR:ds

Enclosures

cc: Ms. Kathy Homer, U.S. EPA ✓  
Mr. Edmund S. Bell, Jr.  
Mr. James H. Russell

RECEIVED  
MAR 15 1985  
HOMER

PRELIMINARY DESIGN CRITERIA FOR CLOSING LAGOONS  
JONES METAL PRODUCTS COMPANY  
West Lafayette, Ohio

I. Pump water from ponds after new treatment plant is operational and storm drainage has been diverted.

A. There are two ponds separated by a dyke.

1. The North Pond is approximately 85 feet by 100 feet (8,500 square feet in area) and contains 150,000 gallons of water.

2. The South Pond is approximately 130 feet by 140 feet (18,200 square feet in area) and contains 1.0 million gallons of water.

B. Approximately 1.15 million gallons of water will need to be pumped and tested.

C. Treated effluent from new treatment plant will be discharged to the Tuscarawas River via the existing storm sewer.

D. An NPDES permit and a PTI will be obtained prior to any discharge.

II. Stabilize Sludge

A. Stabilize sludge with application of 1 foot layer of lime (1,000 cubic yards).

B. Disc lime into sludge.

III. Backfill excavation to grade with 6,800 cubic yards of material.

A. Obtain backfill from site owned by Jones Metal 300 feet east of lagoons.

B. Place backfill within 2 feet of finish grade. A 2 foot thick compacted clay cap will be deposited on the backfill. Clay may be obtained within 3 miles of site.

C. Place 1 foot of silt type material on top of clay to create positive drainage from site.

D. Seed and maintain a good vegetative cover or paved entirely with impermeable asphalt.

IV. Monitoring Wells and Groundwater Sampling

A. Monitoring wells will be installed consistent with site drawings which will be furnished later.

B. Groundwater samples will be collected quarterly from the monitoring wells for the first year. The groundwater will be analyzed for heavy metals. Following the first year's analysis, the sampling procedures will be reevaluated.

- C. A report on the hydrogeology of the site will be prepared and the results of the sampling furnished to the Ohio EPA.



Paul Dimock,

I have reviewed this Jones Metal Products Complaint and on the face of it it seems all right to me. The only real comment that I have is that allowing the Company only 30 days to undertake and complete all of the items that you have ordered them to do is much too short. They can't possibly comply, and I think that it is not the best approach to order them to do the impossible and impose \$25,000 perday penalties for failure to do it. Perhaps we could approach it this way: within 30 days they have to do all of those things that can be done in that amount of time (you could specify which items those are) and within the same 30 days they must submit a schedule to us for undertaking and completing all the other stuff they have to do to get square with us. Whatcha think of that approach?

Also my review of this order in the absence of the underlying documents is limited only to those things on the face of the Complaint.

RMG

*RMG*

05-02-85

**Ohio EPA**

Re: Coshocton County  
Jones Metal Products  
Hazardous Materials  
OHD004280897  
G - TSDF

Jones Metal Products  
305 North Center Street  
West Lafayette, Ohio 43845

Attention: Ed Bell

Dear Sir:

RECEIVED  
DEC 29 1984

December 26, 1984

WASTE MANAGEMENT  
BRANCH

On December 19, 1984, Ohio EPA conducted an inspection of your facility to determine compliance with Ohio's hazardous waste regulations. At that time, the following generator violations were observed.

Evaluation of Wastes, Ohio Administrative Code 3745-52-11 -  
You had not properly classified the lagoon sludge as F006 - wastewater treatment sludge from electroplating. During the inspection, you questioned the determination that your cleaning and nickel coating process was electroplating. I have included the background document for the F006 category. If you read this, I believe you will see how I reached that determination.

Personnel Training, Ohio Administrative Code 3745-65-16 -  
A personnel training program must be developed for hazardous waste management and emergency procedures. Documentation must be maintained which includes job titles, job descriptions, and training records.

Emergency Procedures and Contingency Plan, Ohio Administrative Code 3745-65-32 thru 56 - A contingency plan must be developed to minimize hazards due to unplanned release of hazardous constituents into the environment. The plan must designate an emergency coordinator, and contain a list of emergency equipment noting location in the facility and its capability. A copy of the plan must be kept on-site and copies must be sent to participating emergency authorities.

Because you store your hazardous waste in a surface impoundment, you are a hazardous waste treatment/storage/disposal facility (TSDF) and were required to obtain a permit from Ohio and obtain interim status under USEPA's regulations. A Part A permit application must be submitted to Ohio EPA and USEPA. Applications should include a facility sketch and photographs, and original signatures. A letter should be included indicating why the application is late. A set of forms is included for your use.



Facility Standards - General facility standards which apply to your facility are outlined in Ohio Administrative Code 3745-65 through 69 and 40 CFR 265. These requirements, which were not being met at the time of the inspection, include:

Waste Analysis Plan, Ohio Administrative Code 3745-65-13 - This plan should include waste analysis procedures, parameters, sampling methods, and testing frequency. The plan must be able to show that your facility can adequately and safely treat or store the hazardous wastes generated at the plant. This would include testing to show that the waste enamel which is thermally treated (baked in your oven) is non-hazardous after treatment. You should not dispose of the baked enamel at a sanitary landfill until after you have received verification through testing that the material is non-hazardous. It is advised that you also wait until this Agency concurs with your findings.

Inspection Requirements, Ohio Administrative Code 3745-65-15 - An inspection plan must be developed for structural devices, dikes, drums, pumps, monitoring equipment, safety and emergency equipment, and other maintenance equipment relating to the hazardous waste facility. Documentation that the inspections are being performed is required.

Operating Record, Ohio Administrative Code 3745-65-73 - A facility operating record must be maintained which includes waste quantities being treated, stored or disposed, inspection records, analysis results, and reports of emergencies or problems. An annual report should be submitted to Ohio EPA each year, as per 3745-65-75.

Surface Impoundment, Ohio Administrative Code 3745-67-20 thru 28 - The ponds must be operated with adequate freeboard and containment and should be inspected daily. When the pond is discontinued for use as a hazardous waste impoundment, it must be properly closed per Section 3745-67-28.

Groundwater Monitoring - A groundwater monitoring program must be implemented, as required by Section 3745-65-90 of the Ohio Administrative Code. Please refer to Ohio Administrative Code Section 3745-65-90 through 94, or 40 CFR 265 Subpart F for groundwater monitoring program requirements. Plans for well placement and construction should be approved by this office before drilling begins.



Jones Metal Products  
December 26, 1984  
Page 3

Closure Plan, Ohio Administrative Code 3745-66-10 thru 20 -

A closure plan and cost estimate must be developed. If closure involves removal of all hazardous waste, contaminated soils and other sources of contamination, post closure activities would not be required. Please note that any hazardous waste removed from the site must be manifested to a permitted treatment, storage, or disposal facility.

Financial Requirements, Ohio Administrative Code 3745-66-40 thru 48 -

As a hazardous waste facility, your company must demonstrate financial assurance for closure as well as sudden and non-sudden liability coverage. These requirements are summarized in the federal regulations (40 CFR 265) which are enclosed for your use.

Please submit the Part A applications immediately. Plans for groundwater monitoring should be submitted within 30 days, and implemented within 30 days of approval by this office. You should also make every attempt to comply with general facility standards within 60 days, at which time a facility re-inspection will be made. If you have any questions, please call me at this office.

Sincerely,

*Patrick H. Gorman*

Patrick H. Gorman  
Environmental Scientist  
Division of Solid & Hazardous Waste Management

PHG:dm

cc: Paula Cotter, DSHWM, CO  
cc: Paul Dimock, USEPA, Region V

# RCRA INTERIM STATUS INSPECTION FORM

f) Are the complete unit and associated equipment inspected daily for leaks, spills, and fugitive emissions?

Yes No N/A Remark #

\_\_\_\_ X \_\_\_\_ \_\_\_\_

g) Are emergency shutdown controls and system alarms checked daily for proper operation?

\_\_\_\_ X \_\_\_\_ \_\_\_\_

## 4. Open Burning

NOTE : ONLY COMPLETE THIS PART IF THE FACILITY OPEN BURNS HAZARDOUS WASTE.

a) Does this facility burn only waste explosives? (A No answer means other hazardous waste is open-burned.)

\_\_\_\_ \_\_\_\_ X \_\_\_\_

b) If this facility open-burns waste explosives, does it burn the waste at a distance greater than or equal to the minimum specified distance (below)

\_\_\_\_ \_\_\_\_ X \_\_\_\_

Pounds of waste explosives or propellants	Minimum distance from open burning or detonation to the property of others	
0 to 100 .....	204 m	670 ft.
101 to 1,000 .....	380 m	1,250 ft.
1,001 to 10,000 .....	530 m	1,730 ft.
10,001 to 30,000 .....	690 m	2,260 ft.

Remark

#1 - The thermal treatment consists of putting enamel waste (a powder which contains heavy metal pigments) into an electric furnace and heating the material at 1300°-1600° until it turns into a glass-like solid (vitrification).

#2 - There is a vent to the furnace but no 'stack' or associated 'plume' to monitor.

12/19/84 9:45am  
Date of Inspection

RCRA INTERIM STATUS INSPECTION FORM

HMFAB # none

PART 1. GENERAL INFORMATION

U.S. EPA I.D. # OH0004280897

Facility: Jones Metal Prod. Co. Address: 305 N. Center St. City: W. Lafayette  
State: Ohio Zip Code: 43845 County: Coshocton Telephone: (614) 545-6381

INSPECTION PARTICIPANTS(S)

	(Name)	(Title)	(Telephone)
1.	<u>Edmund S. Bell, Jr.</u>	<u>Vice Pres. Engineering</u>	<u>(614) 545-6381</u>
2.	<u>Edwin Mulligan</u>	<u>Chairman</u>	<u>"</u>
3.			

	INSPECTOR(S)	
1.	<u>PATRICK H GORMAN</u>	<u>ENV ENG.</u>
2.		
3.		

INSTALLATION ACTIVITY

Mark One

- ☐ Generator only (G)
- ☐ Transporter (T)
- ☐ TSDF only
- ☐ G-T
- ☒ G-TSDF
- ☐ T-TSDF
- ☐ G-T-TSDF

If the site is a TSDF, check the boxes indicating which regulations are applicable.

- ☒ General Facility Standards, Preparedness and Prevention, Contingency and Emergency, Manifests/Records/Reporting, Closure
- ☒ Containers S01
- ☐ Tanks S02/T01
- ☒ Surface Impoundments S04/T02
- ☒ Incineration/Thermal Treatment
- ☐ Waste Piles S03
- ☐ Land Treatment D81
- ☐ Landfills D80
- ☒ Chemical/Physical/Biological T04
- ☒ Groundwater Monitoring
- ☐ Post-Closure

RCRA INTERIM STATUS INSPECTION FORM

	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>Remark #</u>
1. Has the facility submitted a Part A to Ohio?	<u>—</u>	<u>X</u>	<u>—</u>	<u>—</u>
2. If "yes", is it complete and accurate?	<u>—</u>	<u>—</u>	<u>X</u>	<u>—</u>
3. Has the facility submitted a Part B?	<u>—</u>	<u>X</u>	<u>—</u>	<u>—</u>

REMARKS, PART 1. GENERAL INFORMATION

Include a brief description of site activity and waste handling.

The facility reported they had not changed their operation since 1982 and said no new wastes are generated. In reviewing their processes it did appear that there were some changes:

1. The enamel waste was being baked in an industrial oven instead of being recycled. Heating the enamel ~~powder~~ changes the powder into a glass-like solid. The solid material was then disposed of in a sanitary landfill.
2. The waste which is being discharged into <sup>and stored in</sup> on-site surface impoundments was not correctly identified as F006 - electroplating sludge.
3. There is container storage of a filter paper used to filter F006 before it goes to the surface impoundment.

## RCRA INTERIM STATUS INSPECTION FORM

## PART 2. GENERATOR REQUIREMENTS

	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>Remark #</u>
1. The hazardous waste(s) generated at this facility have been tested or are acknowledged to be hazardous waste(s) as defined in Section 261 and in compliance with the requirements of Sections 262.11.	<u>—</u>	<u>X</u>	<u>—</u>	<u>—</u>
2. Does this facility generate any hazardous wastes that are excluded from regulation under Section 261.4 (statutory exclusions) or Section 261.6 (recycle/reuse)?	<u>—</u>	<u>X</u>	<u>—</u>	<u>—</u>
3. Does this facility have waste or waste treatment equipment that is excluded from regulation because of totally enclosed treatment (Section 265.1(c)(9)) or via operation of an elementary neutralization unit and/or wastewater treatment unit (Section 265.1(c)(10)).	<u>—</u>	<u>X</u>	<u>—</u>	<u>—</u>
4. The generator meets the following requirements with respect to the preparation, use and retention of the hazardous waste manifest:				
a) The manifest form used contains all of the information required by Section 262.21(a) and (b) and the minimum number of copies required by Section 262.22.	<u>—</u>	<u>—</u>	<u>X</u>	<u>—</u>
b) The generator has designated at least one permitted disposal facility and has/will designate an alternate facility or instructions to return waste in compliance with Section 262.20.	<u>—</u>	<u>—</u>	<u>X</u>	<u>—</u>
c) Prepared manifests have been signed by the generator and initial transporter in compliance with Section 262.23.	<u>—</u>	<u>—</u>	<u>X</u>	<u>—</u>
d) The generator has complied with manifest exception reporting requirements (investigate after 35 days, report after 45 days) in Section 262.42(a), (b)	<u>—</u>	<u>—</u>	<u>X</u>	<u>—</u>
e) Signed copies of all hazardous waste manifests and any documentation required for Exception Reports are retained for at least 3 years as required by Section 262.40.	<u>—</u>	<u>—</u>	<u>X</u>	<u>—</u>

# RCRA INTERIM STATUS INSPECTION FORM

## PART 4. GENERAL INTERIM STATUS REQUIREMENTS

### SUBPARTS INCLUDED

B: General Facility Standards  
C: Preparedness and Prevention

D: Contingency and Emergency  
E: Manifest/Records/Reporting

G: Closure  
H: Financial Requirements

### Subpart B: General Facility Standards

	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>Remark #</u>
1. The operator has a detailed chemical and physical analysis of the waste material containing all of the information which must be known to properly treat or store the waste as required by Section 265.13(a)(1).	<u>—</u>	<u>X</u>	<u>—</u>	<u>#1</u>
2. The operator has a written waste analysis plan which describes analytical parameters, test methods, sampling methods, testing frequency and responses to any process changes that may affect the character of the waste (Section 265.13(b)).	<u>—</u>	<u>X</u>	<u>—</u>	<u>—</u>
3. a) Physical contact with the waste structures or equipment will not injure unknowing/unauthorized persons or livestock entering the facility (265.14(a)(1)).	<u>—</u>	<u>X</u>	<u>—</u>	<u>—</u>
b) Disturbance of the waste will not cause a violation of the hazardous waste regulations (265.14(a)(2)).	<u>—</u>	<u>X</u>	<u>—</u>	<u>—</u>
IF <u>BOTH</u> 3a AND 3b ARE "YES", MARK QUESTIONS 4 AND 5 "NOT APPLICABLE".				
4. The facility has -				
a) A 24-hour surveillance system, <u>or</u>	<u>X</u>	<u>—</u>	<u>—</u>	<u>watchman</u>
b) An artificial or natural barrier <u>and</u> a means to control entry at all times (265.14(b)(2)).	<u>X</u>	<u>—</u>	<u>—</u>	<u>fence</u>

# RCRA INTERIM STATUS INSPECTION FORM

	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>Remark #</u>
5. The facility has a sign "Danger-Unauthorized Personnel Keep Out" at each entrance to the active portion of the facility and at other locations as necessary. (265.14(c))	—	<u>X</u>	—	—
6. a) The operator must develop and follow a comprehensive, written inspection plan and must document the inspections, malfunctions and any remedial actions taken in an operating record log which is kept for at least three years. (265.15)	—	<u>X</u>	—	—
b) Areas subject to spills (i.e., loading and unloading areas, container storage areas, etc.) are inspected daily when in use and according to other applicable regulations when not actively in use. (265.15(b)(4))	—	—	<u>X</u>	—
7. The facility has provided a Personnel Training Program in compliance with Section 265.16(a)(b)(c) including instruction in safe equipment operation and emergency response procedures, training new employees within 6 months and providing an annual training program refresher course.	—	<u>X</u>	—	—
8. The facility keeps all records required by Section 265.16(d)(e) including written job titles, job descriptions and documented employee training records.	—	<u>X</u>	—	—
9. If required due to the actual hazards associated with Ignitable, Reactive or incompatible waste materials, the facility meets the following requirements (Section 265.17).				
a) Protection from sources of ignition.	—	—	—	—
b) Physical separation of incompatible waste materials.	—	—	<u>X</u>	—
c) "No Smoking" or "No Open Flames" signs near areas where Ignitable or Reactive wastes are handled.	—	—	—	—
d) Any comingling of waste materials is done in a controlled, safe manner as prescribed by Section 265.17(b).	—	—	<u>X</u>	—

# RCRA INTERIM STATUS INSPECTION FORM

## Subpart C: Preparedness and Prevention

	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>Remark #</u>
1. Has there been a fire, explosion or non-planned release of hazardous waste at this facility? (265.31)	—	—	—	—
2. If required due to actual hazards associated with the waste material, the facility has the following equipment: (265.32)				
a) Internal alarm system.	—	—	—	—
b) Access to telephone, radio or other device for summoning emergency assistance.	X	—	—	to office
c) Portable fire control equipment.	X	—	—	—
d) Water at adequate volume and pressure via hoses sprinkler, foamers or sprayers.	X	—	—	—
3. All required safety, fire and communications equipment is tested and maintained as necessary; testing and maintenance are documented. (265.33)	X	—	—	—
4. If required due to the actual hazards associated with the waste material, personnel have immediate access to an emergency communication device during times when hazardous waste is being physically handled. (265.34)	X	—	—	—
5. If required due to the actual hazards associated with the waste material, adequate aisle space to allow unobstructed movement or emergency or spill control equipment is maintained. (265.35)	—	—	X	—
6. If required due to the actual hazards associated with the waste material, the facility has attempted to make appropriate arrangements with local emergency service authorities to familiarize them with the possible hazards and the facility layout. (265.37(a))	X	—	—	—
7. Where state or local emergency service authorities have declined to enter into any proposed special arrangements or agreements the refusal has been documented. (265.37(b))	—	—	X	—



RCRA INTERIM STATUS INSPECTION FORM

Yes   No   N/A   Remark #

Subpart D: Contingency and Emergency

1. The facility has a written Contingency Plan designed to minimize hazards from fires, explosions or unplanned releases of hazardous wastes (265.51) and contains the following components:
  - a) Actions to be taken by personnel in the event of an emergency incident.
  - b) Arrangements or agreements with local or state emergency authorities.
  - c) Names, addresses and telephone numbers of all persons qualified to act as emergency coordinator.
  - d) A list of all emergency equipment including location, physical description and outline of capabilities.
  - e) If required due to the actual hazards associated with the waste(s) handled, an evacuation plan for facility personnel. (265.51(f))
2. A copy of the Contingency Plan and any plan revisions is maintained on-site and has been submitted to all local and state emergency service authorities that might be required to participate in the execution of the plan. (265.53)
3. The plan is revised in response to facility, equipment and personnel changes or failure of the plan. (265.54)
4. An emergency coordinator is designated at all times (on-site or on-call) is familiar with all aspects of site operation and emergency procedures and has the authority to implement all aspects of the Contingency Plan. (265.56)
5. If an emergency situation has occurred, the emergency coordinator has implemented all or part of the Contingency Plan and has taken all of the actions and made all of the notifications deemed necessary under Sections 265.56.

—	X	—	—
—	X	—	—
—	X	—	—
—	X	—	—
—	—	X	—
—	X	—	—
—	—	X	—
—	X	—	—
—	—	X	—

RCRA INTERIM STATUS INSPECTION FORM

Yes   No   N/A   Remark #

Subpart E: Manifests/Records/Reporting

NOTE : THE FOLLOWING REQUIREMENTS ARE APPLICABLE TO BOTH ON-SITE AND OFF-SITE TREATMENT, STORAGE AND DISPOSAL FACILITIES.

1. The operator maintains a written operating record at his facility as required by Section 265.73 which contains the following information:

- a.) Description and quantity of each hazardous waste treated, stored or disposed of within the facility and the date(s) and method(s) pertinent to such treatment storage or disposal. (262.73(b)(1))
- b.) Common name, EPA Hazardous Waste Identification Number and physical state (liquid, solid, gas) of the waste(s).
- c.) The estimated (or actual) weight, volume or density of the waste material(s).
- d.) A description of the method(s) used to treat, store or dispose of the waste(s) using the EPA Handling Codes listed in 45 FR 33252 (May 19, 1980).
- e.) The present physical location of each hazardous waste within the facility.
- f.) FOR DISPOSAL FACILITIES, the location and quantity of each hazardous waste recorded on a map of the facility and cross-references to any pertinent manifest document number(s). (265.73(b)(2))
- g.) Records of any waste analyses and trial tests required to be performed.
- h.) Records of the inspections required under Section 265.15 (General Inspection Requirements - Subpart B).
- i.) Records of any monitoring, testing or analytical data required under other Subparts as referenced by Section 265.73(b)(6).
- j.) Records of Closure cost estimates and Post-Closure (DISPOSAL ONLY) cost estimates required under Subpart G.

_____	<u>X</u>	_____	_____
_____	<u>X</u>	_____	_____
_____	<u>X</u>	_____	_____
_____	<u>X</u>	_____	_____
_____	<u>X</u>	_____	_____
_____	_____	<u>X</u>	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	<u>X</u>	_____

RCRA INTERIM STATUS INSPECTION FORM

	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>Remark #</u>
2. The operators has submitted an annual Treatment-Storage-Disposal Operating Report (by March 1) containing all of the operating information required under Section 265.75.	___	<u>X</u>	___	___
<u>NOTE</u> : THE FOLLOWING REQUIREMENTS ARE APPLICABLE TO <u>ONLY</u> OFF-SITE TREATMENT, STORAGE AND DISPOSAL FACILITIES.				
3. Manifests received by the facility are signed and dated; one copy is given to the transporter, one copy is sent to the generator within 30 days and one copy is kept for at least 3 years. (265.71)	___	___	<u>X</u>	___
a) If shipping papers are used in lieu of manifests (bulk shipments, etc.) the same requirements are met. (265.71(b))	___	___	<u>X</u>	___
b) Any significant discrepancies in the manifest, as defined in Section 265.72(a) are noted in writing on the manifest document. (265.71(a)(2))	___	___	<u>X</u>	___
4. Any manifest discrepancies have been reconciled within 15 days as required by Section 265.72(b) <u>or</u> the operator has submitted the required information to the Regional Administrator/Director.	___	___	<u>X</u>	___
5. If the facility has accepted any unmanifested hazardous wastes from off-site sources (except from small quantity generators) for treatment, storage, or disposal an unmanifested waste report containing all the information required by Section 265.76 has been submitted to the Regional Administrator/Director within 15 days.	___	___	<u>X</u>	___

Subpart G: Closure and Post-Closure

NOTE : THE FOLLOWING REQUIREMENTS ARE APPLICABLE TO BOTH DISPOSAL AND NON-DISPOSAL FACILITIES.

1. A written Closure Plan is on file at the facility and contains the following elements: (Section 265.112)	___	<u>X</u>	___	___
a) A description of how and when the facility will be closed. (265.112(a)(1)).	___	<u>X</u>	___	___

RCRA INTERIM STATUS INSPECTION FORM

	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>Remark #</u>
b) A description of how any of the <u>applicable</u> closure requirements in other Subparts of Section 265 (Tanks, Surface Impoundments, Landfill, etc.) will be carried out.	—	<u>X</u>	—	—
c) An estimate of the maximum amount of hazardous wastes being treated or in storage at the facility. ( NOTE: Maximum inventory should agree with the permit.)	—	<u>X</u>	—	—
d) A description of steps taken to decontaminate facility equipment.	—	<u>X</u>	—	—
e) The year closure is expected to begin and a schedule for the various phases of closure.	—	<u>X</u>	—	—
2. The Closure Plan has been amended within 60 days in response to any changes in facility design, processes or closure dates.	—	<u>X</u>	—	—
3. The Closure Plan has been submitted to the Regional Administrator/Director 180 days prior to beginning the Closure process.	—	<u>X</u>	—	—

Subpart H: Financial Requirements

1. The owner or operator of the facility has established financial assurance for closure by use of one of the following: (265.143)				
a) A closure trust fund, or	—	<u>X</u>	—	—
b) A surety bond, or	—	—	—	—
c) A closure letter of credit, or	—	—	—	—
d) A combination of financial mechanisms.	—	—	—	—

~~NOTE: COMPLIANCE WITH THESE REGULATIONS IS A FEDERAL REQUIREMENT.~~

	<u>Yes</u>	<u>No</u>	<u>Unknown</u>	<u>Waived</u>
e) If it was determined that modification of the number, location or depth of monitoring wells was necessary, was the system brought into compliance with 265.91(a)? 265.93(f)	_____	_____		
10. Has an outline of a ground-water quality assessment program been prepared? 265.93(a)	_____	<u>X</u>		
a) Does it describe a program capable of determining:				
1) Whether hazardous waste or hazardous waste constituents have entered the ground-water?	_____	_____	N/A	
2) The rate and extent of migration of hazardous waste or hazardous waste constituents in ground-water?	_____	_____	N/A	
3) Concentrations of hazardous waste or hazardous waste constituents in groundwater?	_____	_____	N/A	
b) After the first year of monitoring, have at least four replicate measurements of each indicator parameter been obtained for samples taken for each well? 265.93(b)	_____	_____	N/A	
1) Were the results compared with the initial background means from the upgradient well(s) determined during the first year?	_____	_____	N/A	
(i) Was each well considered individually?	_____	_____	N/A	
(ii) Was the Student's t-test used (at the 0.01 level of significance)?	_____	_____	N/A	
2) Was a significant increase (or pH decrease as well) found in the:				
(i) Upgradient wells	_____	_____	N/A	
(ii) Downgradient wells	_____	_____	N/A	
If "Yes", Compliance Checklist A-2 must also be completed.				
11. Have records been kept of analyses for parameters in 265.92(c) and (d)? 265.94(a)(1)	_____	<u>X</u>		

	<u>Yes</u>	<u>No</u>	<u>Unknown</u>	<u>Waived</u>
5. Have the locations of the waste management areas been verified to conform with information in the ground-water program?	_____	_____	_____	N/A
a) If the facility contains multiple waste management components, is each component adequately monitored?	_____	_____	_____	N/A
6. Do the numbers, locations, and depths of the ground-water monitoring wells agree with the data in the ground-water monitoring system program? If "No", explain discrepancies.	_____	_____	_____	N/A
7. Well completion details. 265.91(c)				
a) Are wells properly cased?	_____	_____	_____	N/A
b) Are wells screened (perforated) and packed where necessary to enable sampling at appropriate depths?	_____	_____	_____	N/A
c) Are annular spaces properly sealed to prevent contamination of ground-water?	_____	_____	_____	N/A
8. Has a ground-water sampling and analysis plan been developed? 265.92(a)	_____	X	_____	
a) Has it been followed?	_____	_____	_____	N/A
b) Is the plan kept at the facility?	_____	_____	_____	N/A
c) Does the plan include procedures and techniques for:				
1) Sample collection?	_____	_____	_____	N/A
2) Sample preservation?	_____	_____	_____	
3) Sample shipment?	_____	_____	_____	
4) Analytical procedures?	_____	_____	_____	
5) Chain of custody control?	_____	_____	_____	



# RCRA INTERIM STATUS INSPECTION FORM

	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>Remark #</u>
b) A description of how any of the <u>applicable</u> closure requirements in other Subparts of Section 265 (Tanks, Surface Impoundments, Landfill, etc.) will be carried out.	—	<u>X</u>	—	—
c) An estimate of the maximum amount of hazardous wastes being treated or in storage at the facility. ( NOTE: Maximum inventory should agree with the permit.)	—	<u>X</u>	—	—
d) A description of steps taken to decontaminate facility equipment.	—	<u>X</u>	—	—
e) The year closure is expected to begin and a schedule for the various phases of closure.	—	<u>X</u>	—	—
2. The Closure Plan has been amended within 60 days in response to any changes in facility design, processes or closure dates.	—	<u>X</u>	—	—
3. The Closure Plan has been submitted to the Regional Administrator/Director 180 days prior to beginning the Closure process.	—	<u>X</u>	—	—

## Subpart H: Financial Requirements

1. The owner or operator of the facility has established financial assurance for closure by use of one of the following: (265.143)				
a) A closure trust fund, or	—	<u>X</u>	—	—
b) A surety bond, or	—	—	—	—
c) A closure letter of credit, or	—	—	—	—
d) A combination of financial mechanisms.	—	—	—	—

~~NOTE: COMPLIANCE WITH THESE REGULATIONS IS A FEDERAL REQUIREMENT.~~



	<u>Yes</u>	<u>No</u>	<u>Unknown</u>	<u>Waived</u>
12. Have records been kept of ground-water surface elevations taken at the time of sampling for each well? 265.94(a)(1)	_____	_____	N/A	
13. Have records been kept of required elevations in 265.93(b)? 265.94(a)(1)	_____	_____	N/A	
14. Have the following been submitted to the Regional Administrator 265.94(a)(2):				
a) Initial background concentrations of parameters listed in 265.92(b) within 15 days after completing each quarterly analysis required during the first year?	_____	<u>X</u>		
b) For each well, have any parameters whose concentrations or values have exceeded the maximum contaminant levels allowed in drinking water supplies been separately identified?	_____	_____	N/A	
c) Annual reports including:				
1) Concentrations or values of parameters used as indicators of ground-water contamination for each well along with required evaluations under 265.93(b)?	_____	<u>X</u>	N/A	
2) Any significant differences from initial background values in upgradient wells separately identified?	_____	_____	N/A	
3) Results of the evaluation of ground-water surface elevations?	_____	_____	N/A	

Comments: Subpart F

#1 No ground water monitoring system has been installed.

---

	<u>Yes</u>	<u>No</u>	<u>Unknown</u>	<u>Waived</u>
9. Are the required parameters in ground-water samples being tested quarterly for the first year? 265.92(b) and 265.92(c)(1)	_____	<u>X</u>		
a) Are the ground-water samples analyzed for the following:				
1) Parameters characterizing the suitability of the ground-water as a drinking water supply? 265.92(b)(1)	_____	<u>X</u>		
2) Parameters establishing ground-water quality? 265.92(b)(2)	_____	<u>X</u>		
3) Parameters used as indicators of ground-water contamination? 265.92(b)(3)	_____	<u>X</u>		
(i) For each indicator parameter are at least four replicate measurements obtained at each upgradient well for each sample obtained during the first year of monitoring? 265.92(c)(2)	_____	_____	N/A	
(ii) Are provisions made to calculate the initial background arithmetic mean and variance of the respective parameter concentrations or values obtained from the upgradient well(s) during the first year? 265.92(c)(2)	_____	_____	N/A	
b) For facilities which have completed first year ground-water sampling and analysis requirements:				
1) Have samples been obtained and analyzed for the ground-water quality parameters at least annually? 265.92(d)(1)	_____	_____	N/A	
2) Have samples been obtained and analyzed for the indicators of ground-water contamination at least semi-annually? 265.92(d)(2)	_____	_____		
c) Were ground-water surface elevations determined at each monitoring well each time a sample was taken? 265.92(e)	_____	_____	N/A	
d) Were the ground-water surface elevations evaluated annually to determine whether the monitoring wells are properly placed? 265.92(f)	_____	_____	N/A	

	<u>Yes</u>	<u>No</u>	<u>Unknown</u>	<u>Waived</u>
e) If it was determined that modification of the number, location or depth of monitoring wells was necessary, was the system brought into compliance with 265.91(a)? 265.93(f)	_____	_____		
10. Has an outline of a ground-water quality assessment program been prepared? 265.93(a)	_____	<u>X</u>		
a) Does it describe a program capable of determining:				
1) Whether hazardous waste or hazardous waste constituents have entered the ground-water?	_____	_____	N/A	
2) The rate and extent of migration of hazardous waste or hazardous waste constituents in ground-water?	_____	_____	N/A	
3) Concentrations of hazardous waste or hazardous waste constituents in groundwater?	_____	_____	N/A	
b) After the first year of monitoring, have at least four replicate measurements of each indicator parameter been obtained for samples taken for each well? 265.93(b)	_____	_____	N/A	
1) Were the results compared with the initial background means from the upgradient well(s) determined during the first year?	_____	_____	N/A	
(i) Was each well considered individually?	_____	_____	N/A	
(ii) Was the Student's t-test used (at the 0.01 level of significance)?	_____	_____	N/A	
2) Was a significant increase (or pH decrease as well) found in the:				
(i) Upgradient wells	_____	_____	N/A	
(ii) Downgradient wells	_____	_____	N/A	
If "Yes", Compliance Checklist A-2 must also be completed.				
11. Have records been kept of analyses for parameters in 265.92(c) and (d)? 265.94(a)(1)	_____	<u>X</u>		

# SUBPART F: GROUNDWATER MONITORING

Type of facility: (check appropriately)

- a) surface impoundment
- b) Landfill
- c) land treatment facility
- d) disposal waste pile

Yes      No      Unknown      Waived

X          
        X  
        X  
        X

## Ground-water Monitoring Program

1. Was the ground-water monitoring program reviewed prior to site visit?  
If "No",

        X

remark  
# 1

a) Was the ground-water program reviewed at the facility prior  
to site inspection?

        X

2. Has a ground-water monitoring program (capable of determining the  
facility's impact on the quality of groundwater in the uppermost  
aquifer underlying the facility) been implemented? 265.90(a)

        X

3. Has at least one monitoring well been installed in the uppermost aquifer  
hydraulically upgradient from the limit of the waste management area?  
265.91(a)(1)

        X

a) Are ground-water samples from the uppermost aquifer, representative  
of background ground-water quality and not affected by the facility  
(as ensured by proper well number, location and depths?)

N/A

4. Have at least three monitoring wells been installed hydraulically  
downgradient at the limit of the waste handling or management  
area? 265.91(a)(2)

        X

a) Do well number, locations and depths ensure prompt detection  
of any statistically significant amounts of HW or HW constituents  
that migrate from the waste management area to the uppermost aquifer?

N/A

	<u>Yes</u>	<u>No</u>	<u>Unknown</u>	<u>Waived</u>
5. Have the locations of the waste management areas been verified to conform with information in the ground-water program?	_____	_____	_____	N/A
a) If the facility contains multiple waste management components, is each component adequately monitored?	_____	_____	_____	N/A
6. Do the numbers, locations, and depths of the ground-water monitoring wells agree with the data in the ground-water monitoring system program? If "No", explain discrepancies.	_____	_____	_____	N/A
7. Well completion details. 265.91(c)				
a) Are wells properly cased?	_____	_____	_____	N/A
b) Are wells screened (perforated) and packed where necessary to enable sampling at appropriate depths?	_____	_____	_____	N/A
c) Are annular spaces properly sealed to prevent contamination of ground-water?	_____	_____	_____	N/A
8. Has a ground-water sampling and analysis plan been developed? 265.92(a)	_____	<u>X</u>	_____	
a) Has it been followed?	_____	_____	_____	N/A
b) Is the plan kept at the facility?	_____	_____	_____	N/A
c) Does the plan include procedures and techniques for:				
1) Sample collection?	_____	_____	_____	N/A
2) Sample preservation?	_____	_____	_____	
3) Sample shipment?	_____	_____	_____	
4) Analytical procedures?	_____	_____	_____	
5) Chain of custody control?	_____	_____	_____	

# RCRA INTERIM STATUS INSPECTION FORM

## PART 5. TREATMENT/STORAGE/DISPOSAL

### SUBPARTS INCLUDED

I: Management of Containers	L: Waste Piles	O: Incinerators
J: Management of Tanks	M: Land Treatment	P: Thermal Treatment
K: Surface Impoundments	N: Landfills	Q: Chemical/Physical/Biological Treatment

### Subpart I: Management of Containers

	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>Remark #</u>
1. Hazardous wastes are stored in containers which are:				
a) Closed (265.173)	—	X	—	#1
b) In good physical condition (265.171)	X	—	—	
c) Compatible with the wastes stored in them (265.172)	X	—	—	
2. Containers are stored closed except when it is necessary to add or remove wastes. (265.173(a))	—	X	—	
3. Hazardous waste containers are not stored, handled or opened in a manner which may rupture the container or cause it to leak. (265.173(b))	X	—	—	
4. The area where containers are stored is inspected for evidence of leaks or corrosion at least weekly and such inspections are documented. (265.174)	—	X	—	
5. Containers holding Ignitable or Reactive waste(s) are located at least 50 feet (15 meters) from the property line and the general requirements for handling such wastes in Section 265.17 (physical separation, signs and safety) are met (265.176).	—	—	X	
6. Containers holding hazardous wastes are never stored near other materials which may interact with the waste in a hazardous manner. (265.177(c))	—	—	X	

Remark

#1 The containers were being used to store spent filtering media containing F006.

# RCRA INTERIM STATUS INSPECTION FORM

## Subpart K: Surface Impoundments

	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>Remark #</u>
1. The Surface Impoundment is designed to operate with at least 2 feet (60 cm.) of freeboard and has a structural containment system adequate to contain the waste material (Section 265.222).	<u>  </u>	<u>  </u>	<u>X</u>	<u>#1</u>
2. Earthen structural containment systems are equipped with protective cover such as grass, shale or rock to minimize erosion from wind and water (265.22).	<u>  </u>	<u>  </u>	<u>X</u>	<u>#2</u>
3. The level of freeboard in the Surface Impoundment is inspected at least once each operating day, the structural containment system is inspected at least once per week and all such inspections are documented (265.226).	<u>  </u>	<u>X</u>	<u>  </u>	<u>  </u>
4. Whenever Surface Impoundments are used to treat or store wastes substantially different from previous wastes or when substantially different treatment processes are used in the Surface Impoundment, the facility has insured the safety of such changes (265.225).	<u>  </u>	<u>  </u>	<u>X</u>	<u>  </u>
5. With the exception of emergency situations, whenever Ignitable or Reactive wastes are placed in Surface Impoundments the facility has insured the safety of the operation by treating the waste immediately after placement in the Surface Impoundment so that it is no longer Ignitable or Reactive (265.229 and 265.17(b)).	<u>  </u>	<u>  </u>	<u>X</u>	<u>  </u>
6. Incompatible materials are never placed in the same Surface Impoundment unless it is done in compliance with the safety requirements of Section 265.17(b) (265.230).	<u>  </u>	<u>  </u>	<u>X</u>	<u>  </u>

NOTE : IF THE OPERATOR ELECTS NOT TO EXEMPT THE SURFACE IMPOUNDMENT FROM FURTHER REGULATION BY REMOVING ALL WASTE MATERIALS, THE SURFACE IMPOUNDMENT IS SUBJECT TO THE POST-CLOSURE CARE AND GROUNDWATER MONITORING REQUIREMENTS SPECIFIED IN SUBPART G FOR DISPOSAL FACILITIES AND SUBPART N, SECTION 265.310 FOR LANDFILLS. (SECTION 265.228)

#1. The surface impoundment has no surface outlet. It is a leach pit. It did have 2 feet of freeboard.

#2. The surface impoundment is an excavated pit. It has no dikes or structural containment system.

# RCRA INTERIM STATUS INSPECTION FORM

### Subparts O and P: Incineration and Thermal Treatment

### 1. Determination of Steady State

a) Type of unit (i.e., type of incinerator or thermal treatment): Ferro Furnace.

b) Components and steady state condition:

NOTE : INDICATE WHETHER OR NOT THIS COMPONENT WAS AT STEADY STATE PRIOR TO ADDING WASTE.

	Component	Yes	No	N/A	Remark #
1.	Ferro Furnace brand - Ferro Junior U-Type				#1
2.					
3.					
4.					

## 2. Waste Analysis

NOTE : THE FOLLOWING ARE MINIMUM REQUIREMENTS, FOR WASTES NOT PREVIOUSLY BURNED/TREATED:

- |   |       |          |       |       |
|---|-------|----------|-------|-------|
| a) Required analyses; has an analysis been performed for the heating value? | _____ | <u>X</u> | _____ | _____ |
| b) Halogen content?   | _____ | <u>X</u> | _____ | _____ |
| c) Sulfur content?  | _____ | <u>X</u> | _____ | _____ |
| d) Has documented or written data been substituted for analysis of either:  |       |          |       |       |
| 1. Lead?  | _____ | <u>X</u> | _____ | _____ |
| 2. Mercury?   |       | <u>X</u> |       |       |



RCRA INTERIM STATUS INSPECTION FORM

- e) List other parameters for which the waste is tested to enable owner or operator to establish steady state or determine the types of pollutants which may be emitted. (Note in Remarks any which you feel should be tested.)

	<u>Remark #</u>
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____

3. Monitoring and Inspections

	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>Remark #</u>
a) Are combustion/emission control instruments monitored at least every 15 minutes?	_____	<u>X</u>	_____	_____
b) Is steady state maintained or corrections attempted?	<u>X</u>	_____	_____	_____
c) Is stack plume observed at least hourly for normal color and opacity?	_____	<u>X</u>	_____	<u>#2</u>
d) Did any stack observations made by owner or operator show a plume different than normal?	_____	<u>X</u>	_____	_____
e) If yes to "d" above, were corrections made to return emissions to normal appearance?	_____	_____	<u>X</u>	_____

NOTE : SPECIFY IN REMARKS FOR WHAT PERIOD OF TIME THIS WAS CHECKED.

\*IN DATE\*

DUNS: 00-428-0897  
JONES METAL PRODUCTS COMPANY,  
THE (INC)

BOX 179  
305 NORTH CENTER STREET  
AND BRANCH(ES) OR DIVISION(S)  
WEST LAFAYETTE OH 43845  
TEL: 614 545-6381

DATE PRINTED  
DEC 06 1984

MFR ELECTRIC  
LIGHTING FIXTURES,  
WHOL HOSPITAL  
SUPPLIES &  
PERFORMS PORCELAIN  
ENAMELING

SUMMARY  
RATING --

STARTED 1978  
PAYMENTS SEE BELOW  
SALES \$18,500,000  
EMPLOYS 240(140 HERE)  
HISTORY CLEAR  
TREND STEADY

SIC NOS.  
36 46 50 86 34 79

CHIEF EXECUTIVE: EDWIN F. MULLIGAN, CHMN

PAYMENTS (Amounts may be rounded to nearest figure in prescribed ranges)						
REPORTED	PAYING RECORD	HIGH CREDIT	NOW OWES	PAST DUE	SELLING TERMS	LAST SALE WITHIN
11/84	Disc	2500	500	-0-	1 10 Prox	1 Mo
	Disc	500	-0-	-0-	2 10 N30	6-12 Mos
	Ppt	7500	500	-0-	N30	1 Mo
	Ppt	250	250	-0-		1 Mo
	Ppt-Slow 30	750	-0-	-0-	1 10 N30	2-3 Mos
10/84	Disc	750	750	-0-	1 10 N30	1 Mo
	Ppt	5000	1000	-0-	N30	1 Mo
	Ppt	2500	-0-	-0-	N30	6-12 Mos
	Ppt	1000	-0-	-0-		4-5 Mos
	Ppt	1000	500	-0-	N30	1 Mo
	Ppt	250	250	-0-		1 Mo
	Ppt	50	-0-	-0-		6-12 Mos
	Ppt-Slow 30	2500	2500	1000	N30	1 Mo
	Ppt-Slow 30	2500	250	-0-	1/2 10 N30	1 Mo
	Slow 15	70000	50000	-0-	1/2 10 N30	
	(016)	500	500	-0-	N30	2-3 Mos
09/84	Ppt	50000	50000	-0-		1 Mo
	Ppt	1000	1000	-0-		1 Mo
	Ppt	1000	1000	-0-		2-3 Mos
	Ppt	100	-0-	-0-	N30	6-12 Mos
	Ppt	50	-0-	-0-		6-12 Mos
08/84	Ppt	1000	-0-	-0-	N30	
	Ppt	100	100	-0-		1 Mo
07/84	Disc-Ppt	5000	2500		2 Prox N30	
	Ppt	10000	10000	-0-		1 Mo
	Ppt	2500	2500	-0-	1/2 10 N30	1 Mo
	Ppt	250	-0-	-0-		
	Ppt	50	50	-0-		
	Ppt	50	-0-	-0-		6-12 Mos
06/84	(030)	250	-0-	-0-		

05/84	Ppt	250			1/2 10 N30	
04/84	Ppt-Slow 30	500	-0-	-0-	2 10 N30	2-3 Mos
03/84	(033)	100	100	-0-	N30	1 Mo
02/84	Ppt	50000	2500		N30	
	Ppt	50	-0-	-0-		6-12 Mos
01/84	Ppt	50000	-0-	-0-	1/2 10 N30	6-12 Mos
	Ppt	15000	-0-	-0-	1 10 N30	6-12 Mos
	Ppt	250			N30	
	Slow 15	750	750	-0-	N30	2-3 Mos
12/83	Slow 10	250	-0-	-0-	N30	
	(041)	250	100	-0-	N30	1 Mo
11/83	Slow 30	750	-0-	-0-	N30	6-12 Mos

Payment experiences reflect how bills are met in relation to the terms granted. In some instances payment beyond terms can be the result of disputes over merchandise, skipped invoices etc.

## UPDATE

08/30/84

In a communication received Aug 6 1984 it was indicated: Employees now total 240.  
Employees at this location now total 140.

## FINANCE

03/07/84

On MAR 07 1984 Ernest L. Cunningham, Treasurer, declined financial statement.

He submitted the following partial estimates dated MAR 07 1984:  
Sales for fiscal year 1983 were \$18,500,000.

Cunningham stated that sales for the fiscal year ended Dec 31 1983 were even compared to the same period last year. Profit for the period was even.

Cunningham attributed any reported slowness in trade payments to accounts in dispute.

## BANKING

05/83

Balances average low six figures. Account open over three years.  
Borrowing account. Now owing nothing. Payments as agreed.

## HISTORY

03/07/84

EDWIN F. MULLIGAN, PRES  
EDMUND S. BELL JR., V PRES-  
ENGINEERING  
ERNEST L. CUNNINGHAM, TREAS &  
CONTROLLER

DALVIN DONOVAN, EXEC V PRES & SEC  
HAROLD R. HOWELL, V PRES-  
MANUFACTURING

DIRECTOR(S): THE OFFICER(S) and Richard H. Brown and William D. Lawless.

Incorporated Ohio Feb 8 1943. Authorized capital consists of 44,000 shares common stock, \$15 par value and 4,000 shares preferred stock, \$30 par value.

Business started 1942 by Frank E. Jones, individually, this corporation succeeded. Present control succeeded 1978.

100% of capital stock is owned by Edwin F. Mulligan and the heirs of Frank E. Jones.

Business succeeded to present ownership as a result of the settlement of the estate of the late Frank E. Jones, founder, in 1978.

EDWIN F. MULLIGAN, born 1915 married. Son-in-law of the late Frank E. Jones, founder. 1936-45 employed by Prentice Hall Publishing Company. Mulligan joined subject corporation in 1945 and was subsequently elected Executive Vice President. Assumed the additional office of Secretary in 1951. Mulligan was elected President in 1954.

EDMUND S. BELL JR., born 1926 married. Graduated from West Virginia University in 1947. 1947-57 employed by the Pennsylvania Railroad Company. 1957 to present with this business.

DALVIN DONOVAN, born 1926 married. Has been employed by subject company since completion of education in 1948.

HAROLD R. HOWELL, born 1932 married. 1953 to present employed by this corporation.

ERNEST L. CUNNINGHAM, born 1938 married. Graduated from Marshall University, Huntington, WV, in 1961 with a degree in Accounting. 1961-64 served United States Navy. 1964-67 employed by Kaiser Aluminum Chemical Company. 1967-75 employed by General Electric Company, Coshocton, OH. 1975 to present with subject company. Elected Treasurer in 1978.

RICHARD H. BROWN, President, Jones-Zylon Inc, West Lafayette, OH.

WILLIAM D. LAWLESS, President, Abolite Lighting Inc, West Lafayette, OH.

#### OPERATION

03/07/84

This corporation, both individually and through subsidiaries, manufactures commercial and industrial electric lighting fixtures (45%), wholesales hospital supplies (30%) and performs porcelain enameling of lighting fixtures (25%). Sells on 1% 10 net 30 day terms (50%) and net 30 day terms (50%). Has 2,500 accounts. Sells to wholesalers, commercial and industrial accounts through manufacturers and wholesale representatives. Territory :United States (95%), export to Europe (5%). Nonseasonal.

EMPLOYEES: 240 including officers. 40 employed here. Includes subsidiary employees.

FACILITIES: Leases 12,000 sq. ft. in two story brick concrete block building in good condition. Premises neat.

LOCATION: Industrial section on side street.

BRANCHES: Branch manufacturing plant is located on Stewart Street, West Lafayette, OH. At that location the business owns 140,000 sq. ft. in a two story brick building in normal condition. Premises in order. Operations here identical to those of the headquarters address.

SUBSIDIARIES: Subject has two subsidiaries. Each is wholly owned.

(1) Abolite Lighting, Inc, West Lafayette, OH. Chartered under Ohio laws Jun 16 1966. Manufactures commercial and industrial electric lighting fixtures.

(2) Jones-Zylon, Inc, West Lafayette, OH. Chartered under Ohio laws May 26 1954. Wholesales hospital supplies.

Financial details declined. Management reported intercompany relations are confined to merchandise transactions on net 30 day terms. No known loans, guarantees or endorsements in effect.

12-06(9A0 /51)

10101

026 082 H

ANALYTICAL-E P P

\*\*\*\*\*

Ppt 50 50 -0-

Ppt 50 -0- -0-

6-12 Mos

06/84 (030) 250 -0- -0-



Re: Coshocton County  
Hazardous Materials  
OHD004280897

K061 K062

RECEIVED

JUN 07 1982

WASTE MANAGEMENT BRANCH  
EPA, REGION V

June 2, 1982

Jones Metal Products Company  
305 North Center Street  
West Lafayette, Ohio 43845

Attention: Ed Bell

Dear Sir:

On May 6, 1982, Ohio EPA conducted an inspection of your facility to determine compliance with State and Federal hazardous waste regulations. Your facility was represented by yourself. At that time, it was determined that you are a small quantity generator and generate at least three types of hazardous waste which are:

1. Enamel waste - colored enamel contains toxic metals. However, since you are recycling the material, it is exempt from the hazardous waste regulations.
2. Ignitable solvent - you indicated that you use so little of this that it evaporates as fast as it is generated and never becomes a waste.
3. Acid bath - sulfuric acid is used to clean off metal pieces. This acid is discharged into a lagoon when spent.

Other wastes you generate need to be evaluated to determine if they may be hazardous. The filter paper may contain concentrations of heavy metals. Rinse waters and other spent baths may be corrosive and should be evaluated prior to discharging to the lagoon.

To be considered a small quantity generator and obtain exclusion from full regulation, you are responsible to evaluate all your waste to determine if they are hazardous. You must also either make sure your hazardous waste is either properly treated by an off site facility which has a hazardous waste treatment permit or treat on site and obtain a hazardous waste permit.

You should be aware that these are several exemptions which may be considered prior to obtaining a hazardous waste permit. Owners or operators of totally enclosed treatment works, or elementary treatment units are exempt from obtaining a permit and meeting all the record keeping and reporting regulations and other facility standards.

It is our recommendation to you to consider closing out your unpermitted lagoon system and discharge to the city sewer system after meeting their effluent standards and obtain their approval. Your treatment lagoons are currently presenting a threat to the groundwater in your area due to the highly permeable materials which underlie your facility. If you close out the lagoons and remove the wastes therein, you will not be responsible for the expense of the 30 years of post-closure groundwater monitoring. Also, if you close out the lagoons you will not be responsible to obtain a hazardous waste permit.



Jones Metal Products Company  
June 2, 1982  
Page 2

Along with the completed inspection form, you will find the general facility standards enclosed in a checklist form. You will need to comply with these standards if you decide to obtain a permit.

Please notify this office in writing within 30 days as to your intentions to obtain a permit or pursue another course of action. We would also like to see what progress you have made in testing your wastes. If you have any questions, please contact me at this office.

Sincerely,

Patrick H. Gorman  
Environmental Scientist  
Division of Hazardous Materials Management

PHG:dm

cc: Paula Cotter, DHMM, C.O.  
cc: Kathy Homer, Region V, USEPA  
cc: Ken Dewey, SEDO

## RCRA INTERIM STATUS INSPECTION FORM

## PART 1. GENERAL INFORMATION

U.S. EPA I.D. NO. OH0004280897Facility: Jones Metal Pldts. Address: 305 N. Center St. City: West LafayetteState: Ohio Zip Code: 43845 County: Coshocton Telephone: 622-3328Facility Operator: same as above Title: \_\_\_\_\_ Telephone: \_\_\_\_\_Facility Owner: same as above Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_ Telephone: \_\_\_\_\_

Type of Ownership: X Private \_\_\_\_\_ Government \_\_\_\_\_ State HWFAB No. noneDate of Inspection: 5/6/82 Time of Inspection: (Start) 12:45 (Finish) \_\_\_\_\_Advance Notification? \_\_\_\_\_ No X Yes: \_\_\_\_\_Weather Conditions: 80°F, Sunny

## INSPECTION PARTICIPANT(S)

	(Name)	(Title)	(Telephone)
1.	<u>Edmund Bell, Jr.</u>	<u>V.P. Engineering</u>	<u>545-6381</u>
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____

# RCRA INTERIM STATUS INSPECTION FORM

## INSPECTOR(S)

	(Name)	(Title)	(Telephone)
1.	P.H. Gorman	Environmental Scientist	(614) 385-8501
2.			
3.			
4.			

1. Type(s) of hazardous waste site activity: A. ☒ Generation B. ☐ Storage C. ☐ Treatment  
D. ☐ Transportation E. ☐ Disposal

2. Specific hazardous wastes handled at this facility (EPA HW#):

a) Listed Wastes: \_\_\_\_\_

b) Non-Listed Wastes: ☒ I ☒ C ☐ R ☒ T  
D001 D002 D003 D000

ignitable solvents  
metal cleaning acids -H<sub>2</sub>SO<sub>4</sub> Ep toxic pigments

3. Has this facility submitted a Part A Permit Application? ☐ Yes ☒ No

4. Does this facility store, treat or dispose of any hazardous waste from any off-site domestic sources?

☐ Yes, See Remark # ☒ No



RCRA INTERIM STATUS INSPECTION FORM

5. Does this facility store, treat or dispose of any hazardous waste from any foreign sources?

\_\_\_\_\_ Yes, See Remark # \_\_\_\_\_

X No

6. Does this facility transport hazardous waste materials off-site for itself or other generators?

\_\_\_\_\_ Yes, Complete Part 3 (Transp.)

X No

a) Applicable U.S. EPA I.D. Number \_\_\_\_\_

b) Ohio P.U.C.O. GR TRSF Number \_\_\_\_\_

7. A brief description of site activity:

*This facility fabricates metal products. They clean the metal pieces with acids prior to spraying on enamel and baking.*  
*(H<sub>2</sub>SO<sub>4</sub>)*

REMARKS, PART 1. (GENERAL INFORMATION)

RCRA INTERIM STATUS INSPECTION FORM

PART 2. GENERATOR REQUIREMENTS

	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>Remark #</u>
1. The hazardous waste(s) generated at this facility have been tested or are acknowledged to be hazardous waste(s) as defined in Sections 261 and 3745-51 in compliance with the requirements of Sections 262.11 and 3745-52-11.	<u>      </u>	<u>  X  </u>	<u>      </u>	<u>          </u>
2. Does this facility generate any hazardous wastes that are excluded from regulation under Sections 261.4 and 3745-51-04 (statutory exclusions) or Sections 261.6 and 3745-51-06 (recycle/reuse)?	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>enamel waste</u> <u>reused</u>
3. Does this facility have waste or waste treatment equipment that is excluded from regulation because of totally enclosed treatment (Sections 265.1(c)(9) and 3745-55-C-9 or via operation of an elementary neutralization unit and/or wastewater treatment unit (Sections 265.1(c)(10) and 3745-55-C-10.	<u>      </u>	<u>  X  </u>	<u>      </u>	<u>          </u>
4. The generator meets the following requirements with respect to the preparation, use and retention of the hazardous waste manifest:				
a) The manifest form used contains all of the information required by Sections 262.21(a), (b) and 3745-52-21-A-B and the minimum number of copies required by Sections 262.22 and 3745-52-22.	<u>      </u>	<u>      </u>	<u>  X  </u>	<u>no manifests</u> <u>used or needed</u>
b) The generator has designated at least one permitted disposal facility and has/will designate an alternate facility or instructions to return waste in compliance with Sections 262.20 and 3745-52-20.	<u>      </u>	<u>      </u>	<u>  X  </u>	<u>          </u>
c) Prepared manifests have been signed by the generator and initial transporter in compliance with Sections 262.23 and 3745-52-23.	<u>      </u>	<u>      </u>	<u>  X  </u>	<u>          </u>
d) The generator has complied with manifest exception reporting requirements (investigate after 35 days, report after 45 days) in Sections 262.42(a), (b) and 3745-52-42.	<u>      </u>	<u>      </u>	<u>  X  </u>	<u>          </u>
e) Signed copies of all hazardous waste manifests and any documentation required for Exception Reports are retained for at least 3 years as required by Sections 262.40 and 3745-52-40.	<u>      </u>	<u>      </u>	<u>  X  </u>	<u>          </u>

# RCRA INTERIM STATUS INSPECTION FORM

	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>Remark #</u>
5. The generator meets the following hazardous waste pre-transport requirements:				
a) Prior to offering hazardous wastes for transport off-site the waste material is packaged, labeled and marked in accord with applicable DOT regulations (Sections 262.30, 262.31 and 262.32(a) and 3745-52-30, 52-31, and 52-32-A).	—	—	X	—
b) Prior to offering hazardous wastes for transport off-site each container with a capacity of 110 gallons (416 Liters) or less is affixed with a completed hazardous waste label as required by Sections 262.32(b) and 3745-52-32-B.	—	—	X	—
c) The generator meets requirements for properly placarding or offering to properly placard the initial transporter of the waste material in compliance with Sections 262.33 and 3745-52-33.	—	—	X	—
6. The generator meets the following recordkeeping and reporting requirements:				
a) The generator has submitted an annual report for all hazardous waste shipped off-site as required by Sections 262.41(a) and 3745-52-41-A-B.	—	X	—	—
b) The generator has submitted an annual report for all hazardous waste treated, stored or disposed of on-site as required by Sections 262.41(b) and 3745-52-41-C and in compliance with Sections 265.71 and 3745-55-71, when applicable.	—	X	—	—
7. Hazardous wastes imported from or exported to foreign countries are handled in accordance with the requirements of Sections 262.50 and 3745-52-50.	—	—	X	—
8. If the generator elects to store hazardous waste on-site in <u>containers or tanks for 90 days or less</u> without a RCRA storage permit as provided under Sections 262.34 and 3745-52-34, the following requirements with respect to such storage are met:				
a) <u>Containers:</u> the waste is stored in closed containers which meet all applicable DOT pre-transport requirements for packaging, labeling and marking.	—	—	X	no tanks or contain
	—	—	X	—

# RCRA INTERIM STATUS INSPECTION FORM

	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>Remark #</u>
b) The date that accumulation began is clearly marked on each container.	—	—	X	—
c) The area where containers are stored is inspected for evidence of leaks or corrosion at least weekly and such inspections are documented (265.174 and 3745-56-54).	—	—	X	—
d) Containers holding ignitable or reactive waste(s) are located at least 50 feet (15 Meters) from the property line (Sections 265.176 and 3745-56-56), and the general requirements for handling such wastes in Sections 265.17 and 3745-55-17 (physical separation, signs and safety) are met.	—	—	X	—
e) <u>Tanks:</u> the tank(s) are operated in compliance with the safety requirements of Sections 265.17, 265.192(b), 3745-55-17 and 56-72-B and are equipped with a waste-feed cutoff or bypass system as required in Sections 265.192(d) and 3745-56-72-D.	—	—	X	—
f) Uncovered tanks have at least 2 feet (60 cm.) of freeboard <u>unless</u> they are equipped with a spill containment system with a capacity that equals or exceeds the volume that 2 feet of freeboard would otherwise provide (265.192 (c) and 3745-56-72-C).	—	—	X	—
g) Daily inspections are made of all systems pertinent to the proper operation of the tank: discharge and cutoff, monitoring equipment, tank level and freeboard (265.194 and 3745-56-74-A-B-C).	—	—	X	—
h) Weekly inspections are made of all tank construction materials and containment structures (265.194 and 3745-56-74-D-E).	—	—	X	—
9. The generator has provided a Personnel Training Program in compliance with Sections 265.16(a)(b)(c) and 3745-55-16-A-B-C including instruction in safe equipment operation and emergency response procedures, training new employees within 6 months and providing an annual training program refresher course (Sections 262.34 and 3745-52-34).	—	X	—	—
10. The generator keeps all of the records required by Sections 265.16(d)(e) and 3745-55-16-D-E including written job titles, job descriptions and documented employee training records (Sections 262.34 and 3745-52-34).	—	X	—	—

RCRA INTERIM STATUS INSPECTION FORM

11. Whenever a tank is permanently taken out of service or upon closure of the facility all hazardous wastes and residues are removed and properly disposed of (Sections 265.197 and 3745-56-77) as referenced in Sections 262.34 and 3745-52-34.

Yes   No   N/A   Remark #

\_\_\_\_\_   \_\_\_\_\_   X   \_\_\_\_\_

NOTE: SHORT-TERM STORAGE FOR 90 DAYS OR LESS IN TANKS AND CONTAINERS ALSO REQUIRES THAT REGULATIONS IN SECTION 265, SUBPARTS C AND D (PREPAREDNESS AND PREVENTION PLUS CONTINGENCY AND EMERGENCY) AND 3745-55-30 THRU 37 AND 3745-55-50 THRU 70 BE MET. COMPLETE THESE SECTIONS OF THE INSPECTION FORM UNDER PART 4 - GENERAL INTERIM STATUS REQUIREMENTS.

REMARKS, PART 2. GENERATOR REQUIREMENTS

Subpart C: Preparedness and Prevention

1. Has there been a fire, explosion or non-planned release of hazardous waste at this facility? (265.31 and 3745-55-31).
2. If required due to actual hazards associated with the waste material, the facility has the following equipment: (265.32 and 3745-55-32).
  - a) Internal alarm system
  - b) Access to telephone, radio or other device for summoning emergency assistance.
  - c) Portable fire control equipment.
  - d) Water at adequate volume and pressure via hoses sprinklers, foamers or sprayers.
3. All required safety, fire and communications equipment is tested and maintained as necessary; testing and maintenance are documented. (265.33 and 3745-55-33).
4. If required due to the actual hazards associated with the waste material, personnel have immediate access to an emergency communication device during times when hazardous waste is being physically handled (Sections 265.34 and 3745-55-34).

—	X	—	—
X	—	—	—
X	—	—	—
X	—	—	—
X	—	—	—
—	—	—	—
—	—	X	—

RCRA INTERIM STATUS INSPECTION FORM

	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>Remark #</u>
5. If required due to the actual hazards associated with the waste material, adequate aisle space to allow unobstructed movement or emergency or spill control equipment is maintained (265.35 and 3745-55-35).	<u>X</u>	—	—	—
6. If required due to the actual hazards associated with the waste material, the facility has attempted to make appropriate arrangements with local emergency service authorities to familiarize them with the possible hazards and the facility layout (265.37(a) and 3745-55-37-A).	—	—	<u>X</u>	—
7. Where state or local emergency service authorities have declined to enter into any proposed special arrangements or agreements the refusal has been documented (265.37(b) and 3745-55-37-B).	—	—	<u>X</u>	—

Subpart D: Contingency and Emergency

1. The facility has a written Contingency Plan designed to minimize hazards from fires, explosions or unplanned releases of hazardous wastes (265.51 and 3745-55-51) and contains the following components:	—	<u>X</u>	—	—
a) Actions to be taken by personnel in the event of an emergency incident.	—	<u>X</u>	—	—
b) Arrangements or agreements with local or state emergency authorities.	—	<u>X</u>	—	—
c) Names, addresses and telephone numbers of all persons qualified to act as emergency coordinator.	—	<u>X</u>	—	—
d) A list of all emergency equipment including location, physical description and outline of capabilities.	—	<u>X</u>	—	—
e) If required due to the actual hazards associated with the waste(s) handled, an evacuation plan for facility personnel (Sections 265.51(f) and 3745-55-51-F).	—	<u>X</u>	—	—
2. A copy of the Contingency Plan and any plan revisions is maintained on-site and has been submitted to all Local and State emergency service authorities that might be required to participate in the execution of the plan. (Sections 265.53 and 3745-55-53).	—	<u>X</u>	—	—

RCRA INTERIM STATUS INSPECTION FORM

	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>Remark #</u>
3. The plan is revised in response to facility, equipment and personnel changes or failure of the plan (265.54 and 3745-55-54).	<u>      </u>	<u>  X  </u>	<u>      </u>	<u>      </u>
4. An emergency coordinator is designated at all times (on-site or on-call) is familiar with all aspects of site operation and emergency procedures and has the authority to implement all aspects of the Contingency Plan (Sections 265.55 and 3745-55-55).	<u>      </u>	<u>  X  </u>	<u>      </u>	<u>      </u>
5. If an emergency situation has occurred, the emergency coordinator has implemented all or part of the Contingency Plan and has taken all of the actions and made all of the notifications deemed necessary under Sections 265.56 and 3745-55-56.	<u>      </u>	<u>  X  </u>	<u>      </u>	<u>      </u>



**D. Corrective  
Action**

Facility Name : Jones Metal

Facility IO # : OHIO 004 280 897

FMP APPROVAL

We have completed our review of the draft Facility Management Plan (FMP) for the subject facility. We have notified the Hazardous Waste Enforcement Branch (HWEB) and the Emergency and Remedial Response Branch (ERRB) that the FMP is under review, in accordance with Edith Ardiente's memos of December 2 and 6 1985.

(Check one)

☐ A corrective action order (or other enforcement action) was recommended, and HWEB concurs.

☒ No corrective action order was recommended, and HWEB did not object.

☐ A corrective action order was recommended, but HWEB did not concur at this time; we have revised the FMP accordingly.

(Check one)

☐ Action involving ERRB was recommended, and ERRB concurs.

☒ No ERRB action was recommended, and ERRB did not object.

☐ Action involving ERRB was recommended, that ERRB did not concur; we have revised the FMP accordingly.

(Check one)

☐ Based on our review, the FMP is hereby approved as drafted by O EPA.

☒ Based on our review, the FMP <sup>As drafted by O EPA</sup> is hereby approved as amended. <sup>O EPA needs to complete an RFA.</sup>

☐ The FMP is hereby approved as drafted by Ohio Permits Unit, U.S. EPA Region IV.

Signature

Francine P. Norling  
(EPA Staff)

Date:

7/1/86



State Of Ohio Environmental Protection Agency

P.O. Box 1049, 361 East Broad St., Columbus, Ohio 43216-1049  
(614) 466-8565

NO  
PERMIT  
WRITER



RECEIVED

Richard F. Celeste, Governor

May 16, 1986

MAY 21 1986

Mr. George Hamper, Chief  
Waste Management Division  
Technical Programs Section, Ohio Unit  
USEPA, Region V, 5HW-13  
230 South Dearborn Street  
Chicago, Illinois 60604

OWD - AID  
U.S. EPA, REGION V

SOLID WASTE BRANCH  
U.S. EPA, REGION V

MAY 21 1986

RECEIVED

Dear Mr. Hamper:

Attached for your further action is a Facility Management Plan for Jones Metal Products Company, Inc., OHD004280897. We recommend a federal administrative enforcement action which will require closure of these impoundments and compliance with appropriate interim status regulations. This matter has been previously referred to USEPA enforcement.

Please provide me with any comments you may develop concerning the quality or quantity of this work effort.

If your permit writers or the enforcement staff have a question of a specific nature please direct them to contact the Ohio EPA District Permit Writer. Any other questions or comments of a programmatic or scheduling issue should be directed to me.

We are on track with the development and scheduling of FMP's. If you have questions, please call.

Sincerely,

*Tom E. Carlisle*

Tom E. Carlisle  
Acting Manager, Engineering Section  
Division of Solid & Hazardous Waste Management

TEC/ara

Attachments

cc: Ed Kitchen  
Martha Gibbons  
Rose Freeman, USEPA  
Steve Hamlin/Marilyn Zumbro, SEDD  
File (w/attachment)

1407U

*George,*  
*NOTE: A CERCLA*  
*TYPE P.A. is*  
*also included!*

# inter-office communication

to: Tom Carlisle, DSHWM, CO date: May 7, 1986  
from: Marilyn Zumbro *MZ* DSHWM, SEDO  
subject: PA/FMP - JONES - COSHOCTON COUNTY

Attached is a completed Preliminary Assessment/Facility Management Plan for Jones Metal Products Company, Inc., West Lafayette, Ohio. Please call if there are any questions.

MZ:dm

RECEIVED  
OHIO EPA

MAY 09 1986

DIV. of SOLID & HAZ. WASTE MGT.

PRELIMINARY ASSESSMENT REVIEW

Jones Metal Products Company, Inc.  
305 North Center Street  
West Lafayette, Ohio 43845

OHD004280897

The Jones Metal Products Company is a contract manufacturer of specialty stamped steel products. Prior to September, 1985, the company also conducted porcelain enameling at the West Lafayette plant. The production processes have included caustic cleaning, pickling, annealing, etching, and nickel plating.

All process wastewaters (rinses, baths, sludges) are discharged to an unlined pit. A second unlined pit receives non-contact cooling waters and plant run-off. The pits are underlain by sand and gravel and are separated only by a small earthen dike. Although there are no surface outlets from the process pit to the cooling water pit, they are hydraulically connected and should be considered as one unit. There are no surface water discharges from the pits.

Although the company does not agree, sludges in the impoundments are regulated as F006. The company is currently negotiating in-situ closure of the unpermitted units with Region V. The Village of West Lafayette's well field, serving about 2200 people, is located approximately 2500 feet from the site in the expected downgradient pathway.

Due to the proximity of a public water supply and the susceptibility of underlying sand and gravel deposits, a high priority for continuing State involvement is recommended. No FIT activities are requested at this time.

Submitted by:

*Marilyn McCoy Zumbro*  
Marilyn McCoy-Zumbro  
April 30, 1986

Reviewed by:

*Stephan L. Hamlin*  
Stephan L. Hamlin, P.E.  
Unit Supervisor  
DSHWM

MZ:dm

*per phone call 5-12-86*

## PRELIMINARY ASSESSMENT SOURCE SUMMARY

Major Data Elements	Information Available Yes : No	Major Source (Ohio EPA Divisions, other agencies, reports/documents)
<u>Owner/Operator Information</u>		
Owner	: X : :	OEPA DSHWM SEDO files
Operator	: X : :	
Other Responsible or Affected Parties	: : :	
<u>Waste Information</u>		
Waste States	: X : :	
Waste Quantity at Site	: : X :	
Waste Characterization	: X : :	
Waste Type	: X : :	
Hazardous Substances	: X : :	
<u>Hazardous Conditions Information</u>		
On-Site Inspection	: X : :	
Ground Water	: : X :	
Surface Water	: : X :	
Air	: : X :	
Fire/Explosion	: : X :	
Direct Contact	: : X :	
Soil	: : X :	
Drinking Water	: : X :	
Flora/Fauna/Food Chain	: : X :	



POTENTIAL HAZARDOUS WASTE SITE  
PRELIMINARY ASSESSMENT  
PART 1 - SITE INFORMATION AND ASSESSMENT

I. IDENTIFICATION

01 STATE 02 SITE NUMBER  
OH D004280897

II. SITE NAME AND LOCATION

01 SITE NAME (Legal, common, or descriptive name of site) Jones Metal Products Company, Inc.		02 STREET, ROUTE NO., OR SPECIFIC LOCATION IDENTIFIER 305 North Center Street			
03 CITY West Lafayette	04 STATE OH	05 ZIP CODE 43845	06 COUNTY Coshuaton	07 COUNTY CODE 031	08 CONG DIST 18
09 COORDINATES LATITUDE 40 16 45.0		LONGITUDE 081 44 30.0		Fresno quad. -103 SW	
10 DIRECTIONS TO SITE (Starting from nearest public road) St. Rt 541 to West Lafayette. Turn north on SR 93. Turn right at the first street. Facility is ~1 block on left on North Center St. office					

III. RESPONSIBLE PARTIES

01 OWNER (If known) Jones Metal Products Company Inc.		02 STREET (Business, mailing, residential) 305 North Center Street			
03 CITY West Lafayette	04 STATE OH	05 ZIP CODE 43845	06 TELEPHONE NUMBER 1614 545-6381		
07 OPERATOR (If known and different from owner)		08 STREET (Business, mailing, residential)			
09 CITY		10 STATE	11 ZIP CODE	12 TELEPHONE NUMBER ( )	
13 TYPE OF OWNERSHIP (Check one) <input checked="" type="checkbox"/> A. PRIVATE <input type="checkbox"/> B. FEDERAL: _____ (Agency name) <input type="checkbox"/> C. STATE <input type="checkbox"/> D. COUNTY <input type="checkbox"/> E. MUNICIPAL <input type="checkbox"/> F. OTHER: _____ (Specify) <input type="checkbox"/> G. UNKNOWN					
14 OWNER/OPERATOR NOTIFICATION ON FILE (Check all that apply) <input type="checkbox"/> A. RCRA 3001 DATE RECEIVED: ____/____/____ MONTH DAY YEAR <input type="checkbox"/> B. UNCONTROLLED WASTE SITE (CERCLA 103 c) DATE RECEIVED: ____/____/____ MONTH DAY YEAR <input type="checkbox"/> C. NONE					

IV. CHARACTERIZATION OF POTENTIAL HAZARD

01 ON SITE INSPECTION <input checked="" type="checkbox"/> YES DATE 3/26/86 MONTH DAY YEAR <input type="checkbox"/> NO		BY (Check all that apply) <input type="checkbox"/> A. EPA <input type="checkbox"/> B. EPA CONTRACTOR <input checked="" type="checkbox"/> C. STATE <input type="checkbox"/> D. OTHER CONTRACTOR <input type="checkbox"/> E. LOCAL HEALTH OFFICIAL <input type="checkbox"/> F. OTHER: _____ (Specify) CONTRACTOR NAME(S): Ken Deney - OEPA SEDO DSHWM			
02 SITE STATUS (Check one) <input checked="" type="checkbox"/> A. ACTIVE <input type="checkbox"/> B. INACTIVE <input type="checkbox"/> C. UNKNOWN		03 YEARS OF OPERATION 1943 1 BEGINNING YEAR ENDING YEAR <input type="checkbox"/> UNKNOWN			
04 DESCRIPTION OF SUBSTANCES POSSIBLY PRESENT, KNOWN, OR ALLEGED Heavy metals, caustic cleaners, pickling acids					
05 DESCRIPTION OF POTENTIAL HAZARD TO ENVIRONMENT AND/OR POPULATION Ground water (Pop/Env)					

V. PRIORITY ASSESSMENT

01 PRIORITY FOR INSPECTION (Check one. If high or medium is checked, complete Part 2 - Waste Information and Part 3 - Description of Hazardous Conditions and Incidents) <input type="checkbox"/> A. HIGH (Inspection required promptly) <input type="checkbox"/> B. MEDIUM (Inspection required) <input type="checkbox"/> C. LOW (Inspect on time available basis) <input type="checkbox"/> D. NONE (No further action needed, complete current disposition form)			
---	--	--	--

VI. INFORMATION AVAILABLE FROM

01 CONTACT Marilyn McCoy Zumbro		02 OF (Agency/Organization) OEPA SEDO		03 TELEPHONE NUMBER 1614 385-8501	
04 PERSON RESPONSIBLE FOR ASSESSMENT Marilyn McCoy Zumbro		05 AGENCY	06 ORGANIZATION	07 TELEPHONE NUMBER ( )	08 DATE 4/29/86 MONTH DAY YEAR



POTENTIAL HAZARDOUS WASTE SITE  
PRELIMINARY ASSESSMENT

PART 3 - DESCRIPTION OF HAZARDOUS CONDITIONS AND INCIDENTS

I. IDENTIFICATION

01 STATE 02 SITE NUMBER  
OH D004250597

II. HAZARDOUS CONDITIONS AND INCIDENTS

01 ☒ A. GROUNDWATER CONTAMINATION

02 ☐ OBSERVED (DATE: \_\_\_\_\_) ☒ POTENTIAL ☐ ALLEGED

03 POPULATION POTENTIALLY AFFECTED: \_\_\_\_\_

04 NARRATIVE DESCRIPTION

Process waste waters (F006, caustics, acids) and sludges are discharged directly to an unlined pit. The pit is underlain by highly permeable sand + gravel deposits which are susceptible to contamination.

01 ☐ B. SURFACE WATER CONTAMINATION

02 ☐ OBSERVED (DATE: \_\_\_\_\_) ☐ POTENTIAL ☐ ALLEGED

03 POPULATION POTENTIALLY AFFECTED: \_\_\_\_\_

04 NARRATIVE DESCRIPTION

01 ☐ C. CONTAMINATION OF AIR

02 ☐ OBSERVED (DATE: \_\_\_\_\_) ☐ POTENTIAL ☐ ALLEGED

03 POPULATION POTENTIALLY AFFECTED: \_\_\_\_\_

04 NARRATIVE DESCRIPTION

01 ☐ D. FIRE/EXPLOSIVE CONDITIONS

02 ☐ OBSERVED (DATE: \_\_\_\_\_) ☐ POTENTIAL ☐ ALLEGED

03 POPULATION POTENTIALLY AFFECTED: \_\_\_\_\_

04 NARRATIVE DESCRIPTION

01 ☐ E. DIRECT CONTACT

02 ☐ OBSERVED (DATE: \_\_\_\_\_) ☐ POTENTIAL ☐ ALLEGED

03 POPULATION POTENTIALLY AFFECTED: \_\_\_\_\_

04 NARRATIVE DESCRIPTION

01 ☒ F. CONTAMINATION OF SOIL

02 ☐ OBSERVED (DATE: \_\_\_\_\_) ☒ POTENTIAL ☐ ALLEGED

03 AREA POTENTIALLY AFFECTED: UK

04 NARRATIVE DESCRIPTION

Sludges contained in the unlined pits may have contaminated underlying and/or adjacent soils.

01 ☒ G. DRINKING WATER CONTAMINATION

02 ☐ OBSERVED (DATE: \_\_\_\_\_) ☒ POTENTIAL ☐ ALLEGED

03 POPULATION POTENTIALLY AFFECTED: 2200

04 NARRATIVE DESCRIPTION

The Village of West Lafayette's well field is located <sup>downgradient</sup> approximately 2500 ft. from the site.

01 ☐ H. WORKER EXPOSURE/INJURY

02 ☐ OBSERVED (DATE: \_\_\_\_\_) ☐ POTENTIAL ☐ ALLEGED

03 WORKERS POTENTIALLY AFFECTED: \_\_\_\_\_

04 NARRATIVE DESCRIPTION

01 ☒ I. POPULATION EXPOSURE/INJURY

02 ☐ OBSERVED (DATE: \_\_\_\_\_) ☒ POTENTIAL ☐ ALLEGED

03 POPULATION POTENTIALLY AFFECTED: 2200

04 NARRATIVE DESCRIPTION

See G. Drinking Water Contamination



Name of Preparer: Marilyn Zumbro  
 Date: 4/29/86

O.E.P.A.  
 S.E.D.O.  
 1985 OCT -1 PM 2:27

Model Facility Management Plan

1. Facility Name: Jones Metal Products Company, Inc.
2. Facility I.D. Number: OHD004280897
3. Owner and/or Operator: Edmund S. Bell, Jr.-V.P. Engineering
4. Facility Location: 305 North Center Street  
Street Address

<u>West Lafayette</u>	<u>Coshocton</u>	<u>Ohio</u>	<u>43845</u>
<u>City</u>	<u>County</u>	<u>State</u>	<u>Zip Code</u>

5. Facility Telephone (if available): (614) 545-6381
6. Interim Status and/or Permitted Hazardous Waste Units and Capacities of Each Unit:

<u>Type of Units *</u>	<u>Size or Capacity</u>	<u>Active or Closed</u>
<u>X</u> <u>Storage in Tanks or Containers</u>	Unknown	Active
<u>    </u> Incinerator		
<u>    </u> Landfill		
<u>X</u> <u>Surface Impoundment</u>	2 units	
	1) 150,000 gal.	Active
<u>    </u> <u>Waste Pile</u>	2) 1.0 million gal	Active
<u>    </u> <u>Land Treatment</u>		
<u>    </u> <u>Injection Wells</u>		
<u>    </u> <u>Others (Specify)</u>		

7. Permit Application Status: \_\_\_\_\_ (HWDMS action item number)

\*Although these units are subject to regulation under RCRA, the facility has not obtained Interim Status or a Permit.

8. Identification of Hazardous Waste Generated, Treated, Stored or Disposed at the Facility: ( may attach Part A or permit list or reference those documents if listing of wastes is exceptionally long - in that case, to complete this question list wastes of greatest interest and/or quantity and note that additional wastes are managed)

<u>Type of Waste</u>	<u>Quantity</u>	<u>Generated, Treated, Stored or Disposed</u> <u>(note appropriate categories)</u>
F006	Unknown	Generated and stored in surface impoundments and containers

9. Review of Response to Solid Waste Management Questionnaire indicates: (check one)

*certification statement*

\_\_\_\_\_ Solid Waste Management Units exist (other than previously identified RCRA units)

\_\_\_\_\_ No Solid Waste Management Units exist (other than previously identified RCRA units)

\_\_\_\_\_ It is unclear from review of questionnaire whether or not any solid Waste Management Units exist

\_\_\_\_\_ Respondent indicates that does not know if any Solid Waste Management Units exist

\*No certification statement was submitted

10. If the response to question 9 is that Solid Waste Management Units exist, than check one of the following:

\_\_\_\_\_ Releases of hazardous waste or constituents have occurred or are thought to have occurred

\_\_\_\_\_ Releases of hazardous waste or constituents have not occurred

\_\_\_\_\_ Releases of hazardous waste or constituents have occurred or are thought to have occurred but have been adequately remedied

\_\_\_\_\_ It is not known whether a release of hazardous waste or constituents has occurred

11. The facility is on the National Priorities List or proposed update of the List or ERRIS list

\_\_\_\_\_ Yes - indicate List or update

  X   No

\_\_\_\_\_ Yes - ERRIS list

Prior to completion of the Recommendation portion of the Facility Management Plan, the attached Appendix must be completed.

12. Recommendation for Regional Approach to the Facility: Check one

\_\_\_\_\_ Further Investigation to Evaluate Facility

\_\_\_\_\_ Permit Compliance Schedule

\_\_\_\_\_ Corrective Action Order (may include compliance schedule)

  X   Other Administrative Enforcement

\_\_\_\_\_ Federal Judicial Enforcement

\_\_\_\_\_ Referral to CERCLA for Federally Financed or Enforcement Activity

\_\_\_\_\_ Voluntary/Negotiated Action

\_\_\_\_\_ State Action

Brief narrative in explanation of selection : CAFO pending

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

a) If further investigation alternative is selected:

\_\_\_\_\_ Site inspection - anticipated inspection date \_\_\_\_\_

State or Federal inspection \_\_\_\_\_

\_\_\_\_\_ Preliminary Assessment - anticipated completion date \_\_\_\_\_

\_\_\_\_\_ RI/FS - anticipated date of initiation \_\_\_\_\_

State/Federal \_\_\_\_\_

Private Party \_\_\_\_\_ identify party(ies)

\_\_\_\_\_

## b) If Permit Alternative is Selected: Projected Schedule

Date of Part B Submission: \_\_\_\_\_

Date of Completeness Check: \_\_\_\_\_

Date for Additional Submissions (if required): \_\_\_\_\_

Date of Completion of Technical Review: \_\_\_\_\_

Completion of Draft Permit/Permit Denial: \_\_\_\_\_

Public Notice for Permit Decision: \_\_\_\_\_

Date of Hearing (if appropriate): \_\_\_\_\_

Date for Final Permit or Denial Issuance: \_\_\_\_\_

Description of any corrective action provisions to be included in permit -

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## c) If Corrective Action Order Alternative is Selected:

Estimated Date for Order Issuance: \_\_\_\_\_

Description of Provisions of the Order to be Completed by  
Facility: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Description of Compliance Schedule to be Contained in Order:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## d) If Other Administrative Enforcement Action is Selected:

Projected Date for Issuance of the Order: UnknownDescription of Provisions or Goals of the Order: closure of impoundments

\_\_\_\_\_

\_\_\_\_\_

e) If Judicial Enforcement Alternative Selected:

Date of Referral to Office of Regional Counsel: \_\_\_\_\_

f) If Referral to CERCLA for Action Selected:

Date of Referral to CERCLA Sections: \_\_\_\_\_

g) If Voluntary/Negotiated Action Alternative if Selected:

Date of Initial Contact with Facility: \_\_\_\_\_

Description of Goals of Contact or Discussions with  
Facility: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date for Termination of Discussions if Not Successful:

\_\_\_\_\_

Date of Finalization of Settlement if Negotiation Successful:

\_\_\_\_\_

h) If State Action Alternative is Selected:

Date for Referral to State: \_\_\_\_\_

Name of State Contact: \_\_\_\_\_

Phone: \_\_\_\_\_

## APPENDIX

The questions constituting this Appendix to the Facility Management Plan must be filled out prior to completion of recommendation elements of the Plan. The purpose of this appendix is to provide a summary documentation of the State and/or U.S.EPA review of available information on the subject facility. The intent is that a comprehensive file review will be conducted as the basis for selection of the recommended approach to a given facility. If the Appendix is completed by State personnel questions referring to available data reference information in State files; for Federal personnel the reference is to Federal files. Where questions refer to "all" available data or information and such material is voluminous, the response should indicate that files are voluminous, and then reference most telling information, for example groundwater contaminants found frequently or at extremely high concentrations should be specifically listed, and information most directly supporting recommended approach to facility should be described. If no information is available in facility files, the response should so indicate. It is also anticipated that this Appendix may be updated periodically as more information becomes available.

### 1. Description of All Available Monitoring Data for Facility:

<u>Type of Data</u>	<u>Date</u>	<u>Author</u>	<u>Summary of Results or Conclusions</u>
---------------------	-------------	---------------	--

No monitoring data is available

### 2. Description of Enforcement Status:

<u>Type of Action</u>	<u>Date</u>	<u>Local, State or Federal</u>	<u>Result or Status</u>
-----------------------	-------------	--------------------------------	-------------------------

USEPA is currently negotiating a CAFO covering closure of the surface impoundments

3. Description of Any Complaints from Public:

<u>Source of Complaint</u>	<u>Date</u>	<u>Recipient</u>	<u>Subject and Response</u>
----------------------------	-------------	------------------	-----------------------------

None received

4. Description of All Inspection Reports for Facility:

<u>Date of Inspection</u>	<u>Inspector (Local, State, Federal)</u>	<u>Conclusions or Comments</u>
5/6/82	P. Gorman-Ohio EPA	SQG/Discharge to lagoons must be evaluated; may consider closure
12/19/86	P. Gorman-Ohio EPA	Generator; regulated units not permitted; generator/TSD standards not being implemented; no groundwater monitoring.
3/26/86	K. Dewey-Ohio EPA	Generator/TSD in impoundments; noncompliance with nearly all standards

5. During inspection of this facility did the inspector note any evidence of past disposal practices not currently regulated under RCRA such as piles of waste or rubbish, injection wells, ponds or surface impoundments that might contain waste or active or inactive landfills?

\_\_\_\_\_ Yes - give date if inspection and describe observation

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

  X   No

\_\_\_\_\_ Don't know

6. Do inspection reports indicate observations of discolored soils or dead vegetation that might be caused by a spill, discharge or disposal of hazardous wastes or constituents?

\_\_\_\_\_ Yes - indicate date of report and describe observations

\_\_\_\_\_  
\_\_\_\_\_

  X   No

\_\_\_\_\_ Don't know

7. Do inspection reports indicate the presence of any tanks at the facility which are located below grade and could possibly leak without being noticed by visual observation?

\_\_\_\_\_ Yes - date of inspection and describe information in report

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

  X   No

\_\_\_\_\_ Don't know

8. Does a groundwater monitoring system exist at the facility?   No

9. If answer to question 8 is yes, is the groundwater system capable of monitoring both regulated RCRA units and other Solid Waste Management Units?   NA

Explain - \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. Is the groundwater monitoring system in compliance with applicable RCRA groundwater monitoring standards? \_\_\_\_\_

If no, explain deficiency   No system exists  

\_\_\_\_\_  
\_\_\_\_\_



11. Describe all information on facility subsurface geology or hydrogeology available.

<u>Type of Information</u>	<u>Author</u>	<u>Date</u>	<u>Summary of Conclusions</u>
----------------------------	---------------	-------------	-------------------------------

No hydrogeologic investigation has been conducted. General geology of the area consists of highly permeable sand and gravel.

12. Did the facility submit a 103(c) notification pursuant to CERCLA?

<u>      </u> Yes	Date of Notification <u>                                </u>
<u>  X  </u> No	

13. If answer to 12 is yes, briefly summarize content of that notification.  
(waste management units identified, type of waste concerned)

NA

14. Has a CERCLA Preliminary Assessment/Site Investigation (PA/SI) been completed for this facility?

<u>  X  </u> Yes	PA only
<u>      </u> No	

15. If answer to question 14 is yes, briefly describe conclusions of the PA/SI focusing on types of environmental contamination found, wastes and sources of contamination, 1675 Sine. ✓

F006 stored in sand and gravel leaching pit. No groundwater  
monitoring in place.

16. If available, having reviewed the CERCLA notification, RCRA Part A and RCRA Part B, it appears that: (CERCLA unit refers to unit or area of concern in CERCLA response activity)

RCRA and CERCLA units are same at this facility

*Does RCRA unit  
include SWMU*

RCRA and CERCLA units are clearly different units

There is an overlap between the RCRA and CERCLA units  
( some are the same, some are different)

\* Not available for review

17. Description of Any Past Releases or Environmental Contamination:

<u>Type/Source of Release</u>	<u>Date</u>	<u>Material Released</u>	<u>Quantity</u>	<u>Response</u>
-------------------------------	-------------	--------------------------	-----------------	-----------------

No verified releases

18. Identification of Reports or Documentation Concerning Each Release Described in Item 17.

<u>Title/Type of Report</u>	<u>Date</u>	<u>Author</u>	<u>Recipients</u>	<u>Contents</u>
-----------------------------	-------------	---------------	-------------------	-----------------

NA

19. Highlight any information gaps in the file - describe any plans to obtain additional needed information.

NA

20. Summary of major environmental problems noted, desired solution and possible approaches.

<u>Problem</u>	<u>Solution</u>	<u>Approach</u>	<u>Pros and Cons</u>
Storage of F006 in an unlined, un-permitted leaching pit underlain by sand and gravel.	Off-site disposal and closure of impoundments with post/closure groundwater monitoring	Administrative Orders	Negotiations on a CAFO have been unsuccessful to date

# THE JONES METAL PRODUCTS COMPANY

CONTRACT MANUFACTURING DIVISION



WEST LAFAYETTE, OHIO 43045 • Phone: 614-545 6381 TWX 810-339-2030

January 6, 1987

Certified Mail  
Return Receipt Requested

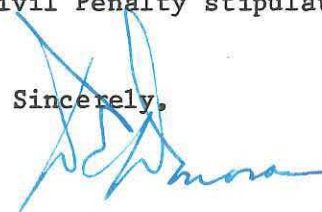
Regional Hearing Clerk  
U.S.E.P.A. Region V  
P.O. Box 70753  
Chicago, Illinois 60673

Re: Consent Agreement and Final Order  
Jones Metal Products Company Docket  
No. V-W-85-R-21; Transmittal of Civil Penalty

Greetings:

Attached, please find Check No. 05119, dated January 6, 1987, in the amount of \$17,000.00. This is in full payment of the Civil Penalty stipulated by the subject Consent Agreement and Final Order.

Sincerely,

  
D. E. Donovan  
President

DED:c1  
Enc: Check No. 05119

CC: Regional Hearing Clerk  
Planning and Management Division  
U.S.E.P.A. Region V  
230 S. Dearborn St.  
Chicago, Illinois 60604

✓ Solid Waste and Emergency Response  
Branch Secretary  
U.S.E.P.A. Region V  
230 S. Dearborn St.  
Chicago, Illinois 60604

COMPLIANCE  
FILE  
OHA 004 280897

RECEIVED  
JAN 09 1987  
SOLID WASTE  
U.S. EPA. REGION V

Non responsive

Non responsive

Non responsive



Non responsive



Non responsive

Non responsive

Non responsive

Non responsive

Non responsive

Non responsive

Non responsive



Non responsive



Non responsive



Non responsive

Non responsive



Non responsive

Non responsive

Non responsive

Non responsive



Non responsive



Non responsive



Non responsive



Non responsive



Non responsive

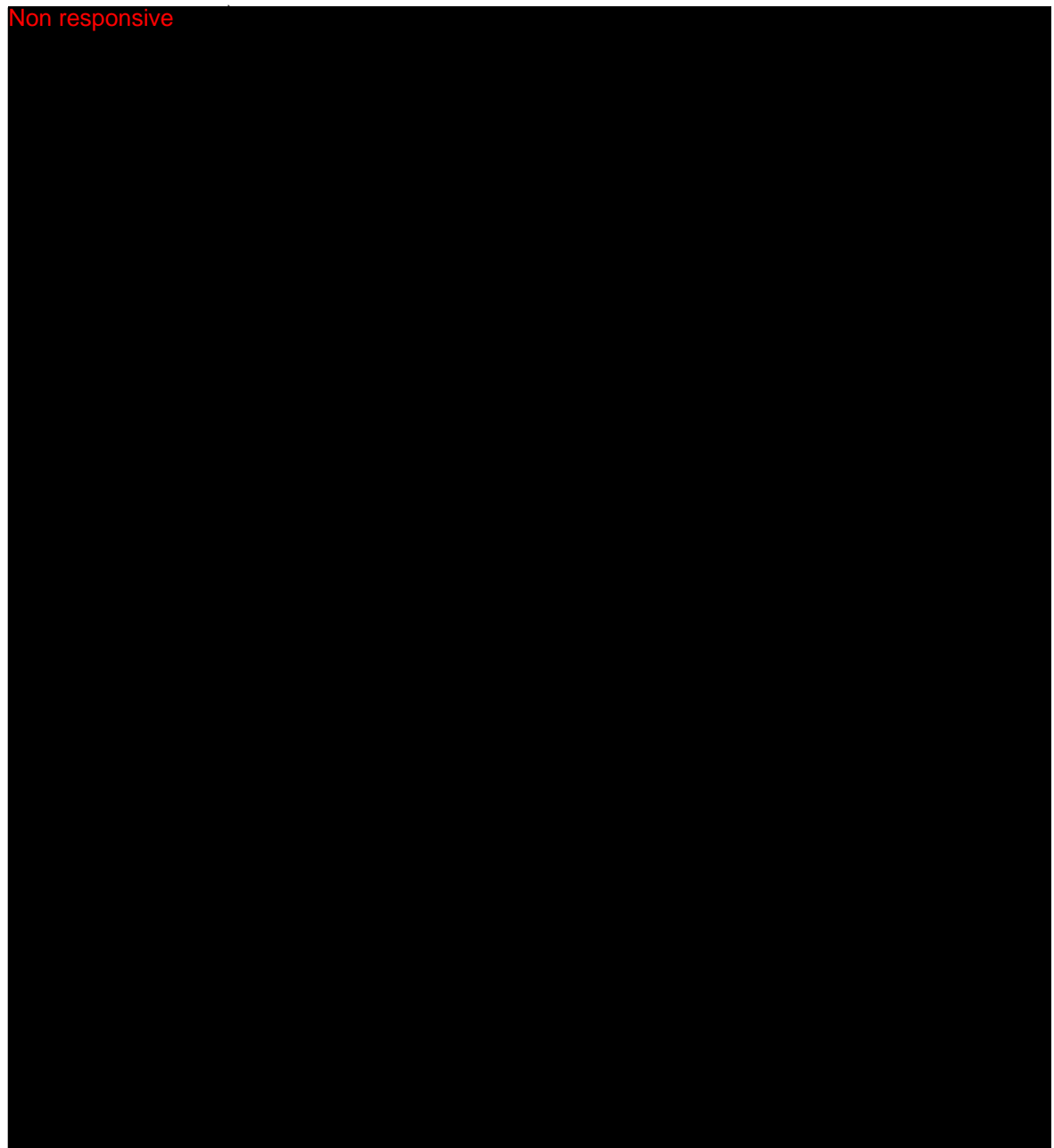
Non responsive

Non responsive



Non responsive

Non responsive





Non responsive

Non responsive



Non responsive

Non responsive



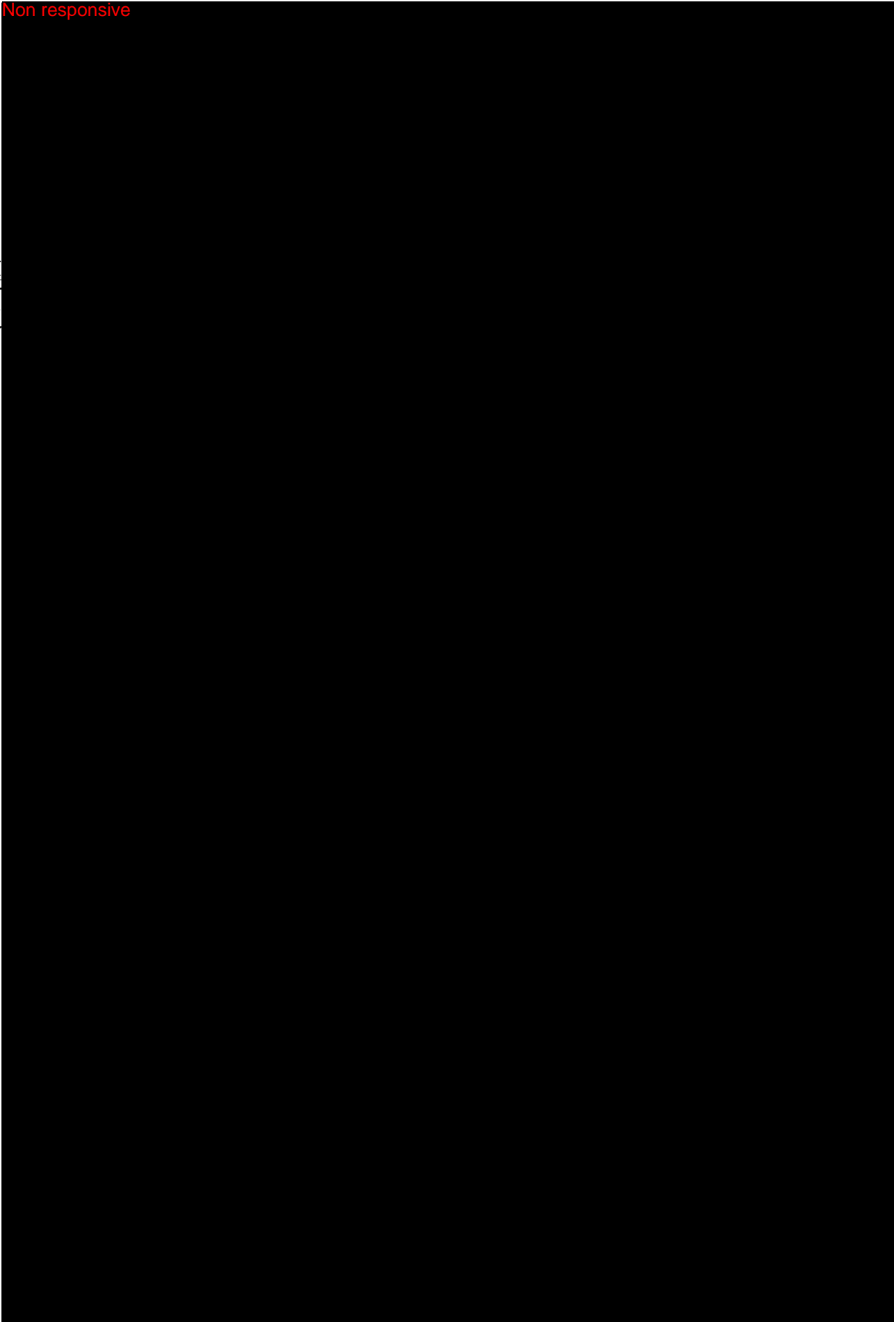
Non responsive



Non responsive



Non responsive



Non responsive





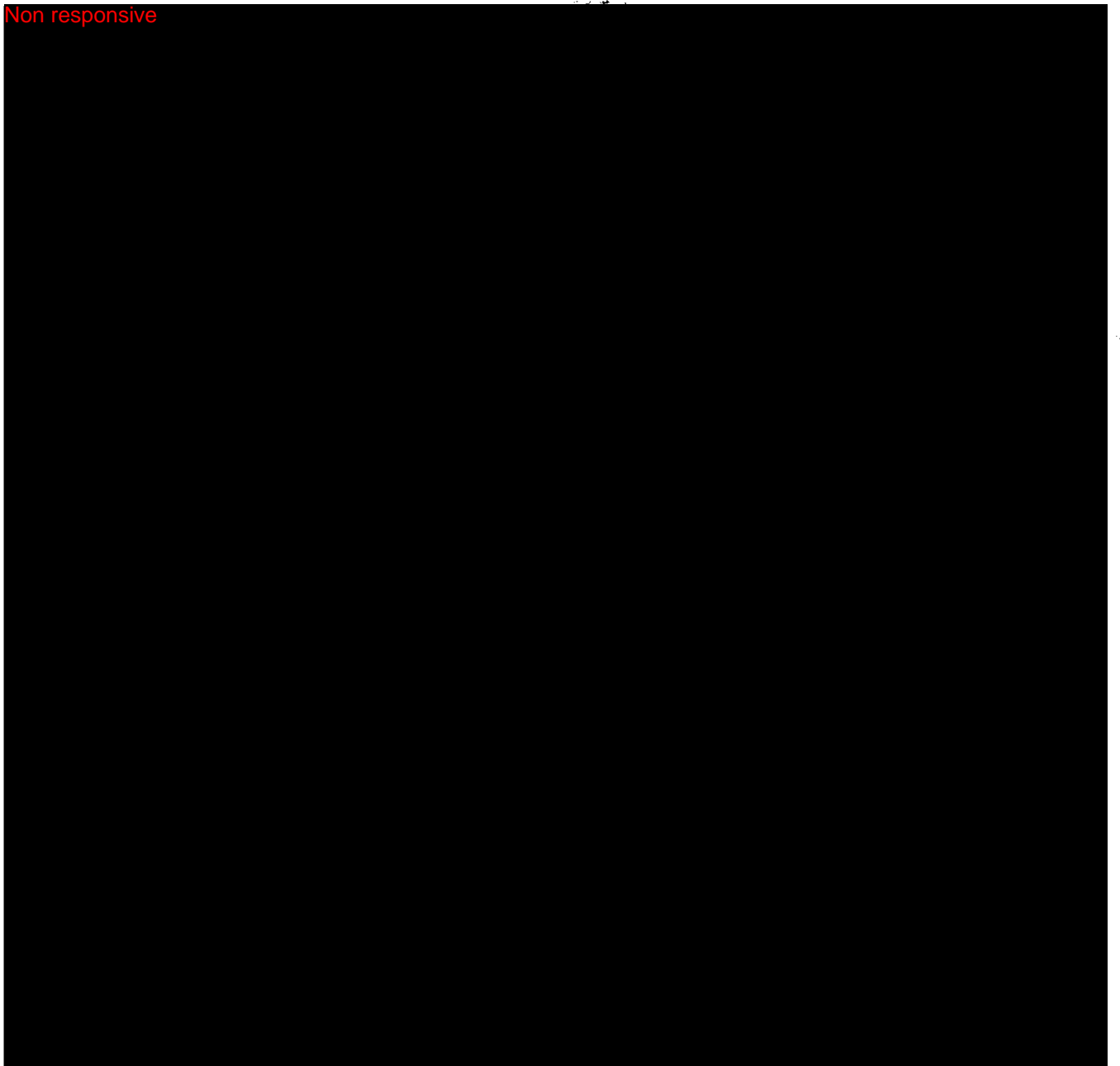
Non responsive

Non responsive



Non responsive

Non responsive



Non responsive

Non responsive



Non responsive



Non responsive

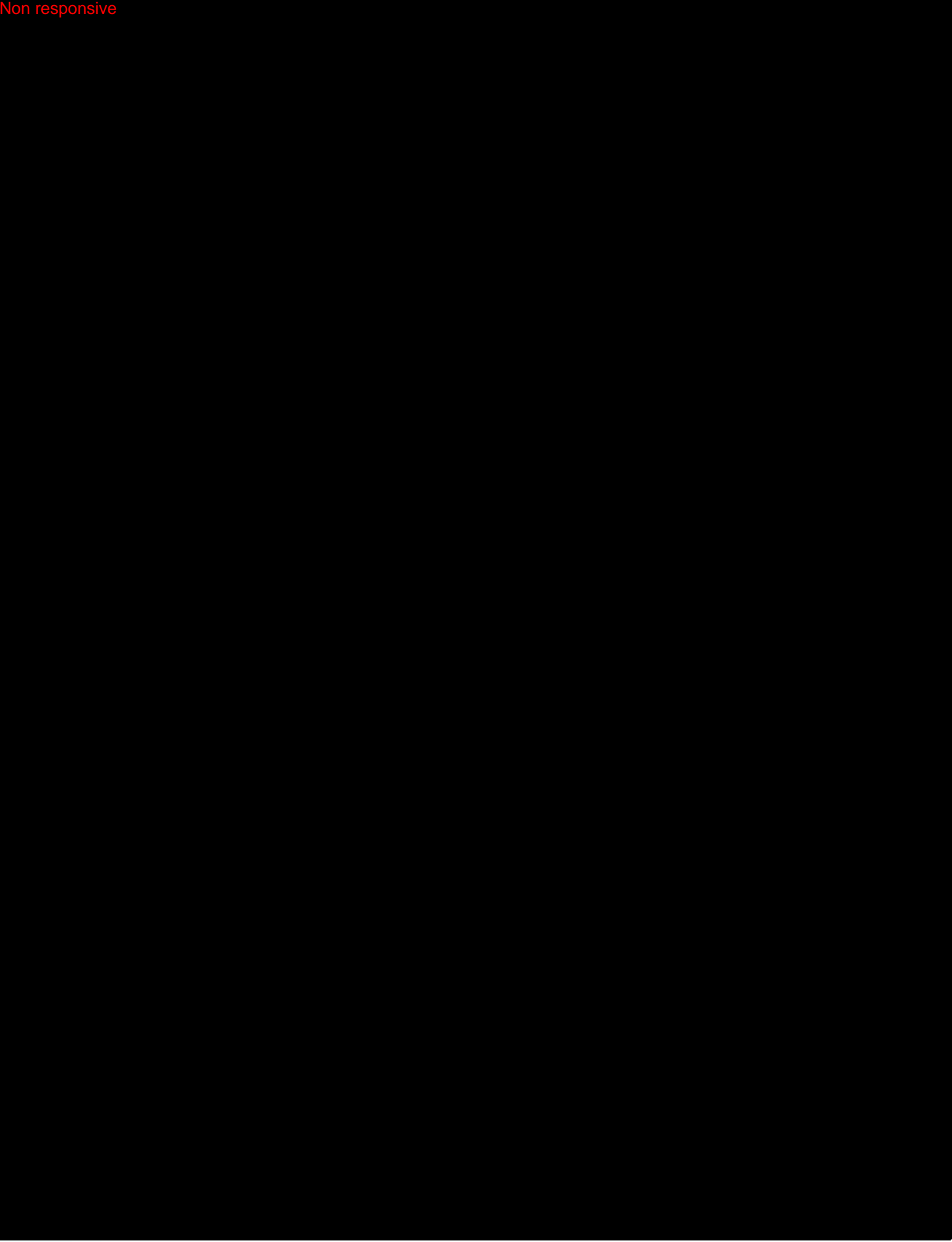




Non responsive

Non responsive

Non responsive



Non responsive

Non responsive



Non responsive

Non responsive

—

Non responsive



Non responsive

Non responsive

Non responsive

